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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE ROCKY MOUNTAIN AREA—PART 2

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES

EIGHTY-FOURTH CONGRESS

SECOND SESSION

MAY 17 AND 18, 1956

Printed for the use of the Committee on Un-American Activities

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COMMITTEE ON UN-AMERICAN ACTIVITIES

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Public Law 601, 79th Congress

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

Rule X

SEC. 121. STANDING COMMITTEES

* * * * * * *

17. Committee on Un-American Activities, to consist of nine members.

Rule XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

17. Committee on Un-American Activities.

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(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE ROCKY MOUNTAIN AREA—PART 2

THURSDAY, MAY 17, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Denver, Colo.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities reconvened, pursuant to recess, at 10 a. m., in the courtroom of the United States Court of Appeals, Tenth Circuit, Post Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; and Harold H. Velde, of Illinois.

Staff members present: Richard Arens, director; Courtney E. Owens, and W. Jackson Jones, investigators.

The CHAIRMAN. The committee will be in order.

Call your next witness.

Mr. ARENS. Morris Wright.

The CHAIRMAN. Will you raise your right hand, please, and swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WRIGHT. I do.

TESTIMONY OF MORRIS WRIGHT; ACCOMPANIED BY COUNSEL, NATHAN WITT

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. WRIGHT. My name is Morris Wright. Address is Post Office Box 98, Bayard, N. Mex. I am business agent of the local union of the International Union of Mine, Mill, and Smelter Workers, Local 890.

Mr. ARENS. In passing, give us the area of local 890, please.

Mr. WRIGHT. It has membership in four industrial properties in Grant County, N. Mex., and has one in Luna County, New Mex.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you?

Mr. WRIGHT. Right.

Mr. ARENS. Are you represented by counsel?

Mr. WRIGHT. I am.

Mr. ARENS. Will counsel kindly identify himself.

Mr. WITT. Nathan Witt, Post Office Box 156, New York, N. Y.

Mr. ARENS. Mr. Wright, where and when were you born?

Mr. WRIGHT. I was born in Oklahoma in 1908.

Mr. WITT. Excuse me, Mr. Arens. Can we have the picture taking over with?

The CHAIRMAN. Yes. Under the rules of the committee, photographs may be taken prior to the time the witness starts testifying, and after that no pictures may be taken. It is disconcerting to the witness and also to the committee.

Mr. WITT. We have no objection, since we have interrupted, if the photographer doesn't have all the pictures he wants maybe he can get them out of the way now. He is trying to make a living.

Mr. ARENS. Now, if you please, Mr. Wright, a word about your early education prior to the time that you became self sufficient.

Mr. WRIGHT. I attended public schools in the suburbs of Chicago and in Newton, Mass. I attended Carlton College and the University of Chicago.

Mr. ARENS. When did you conclude your work at the University of Chicago?

Mr. WRIGHT. I think it was 1929.

Mr. ARENS. Did you receive a degree there?

Mr. WRIGHT. No. I attended college for 5 years.

Mr. ARENS. Kindly tell us your first employment after you completed your work at Chicago University.

Mr. WRIGHT. I worked for a short time in a toothpaste factory in Highand Park, Ill. Do you want me to continue with that?

Mr. ARENS. Yes, if you please. Just give us a brief chronological sketch of your employments.

Mr. WRIGHT. My next job was with the Billings Polytechnic Institute, Billings, Mont.

Mr. ARENS. Was that a teaching institution?

Mr. WRIGHT. Yes.

Mr. ARENS. Did you teach there?

Mr. WRIGHT. No, it was an institution that also runs industries where students can earn a living as they are attending school. My job was—the title was assistant to the president. I was principally concerned with running these industries.

Mr. ARENS. Tell us who the president was.

Mr. WRIGHT. His name was Ernest T. Eaton.

Mr. ARENS. What year or years was it that you were identified with that institution? Your best recollection.

Mr. WRIGHT. I think I started there early in 1930 and was there about a year and a half.

Mr. ARENS. All right, sir. Your next occupation or employment?

Mr. WRIGHT. I worked for the next 3 years, I think it was, on farms and ranches in Montana.

Mr. ARENS. Did you own or operate the farms or ranches or just——

Mr. WRIGHT. No.

Mr. ARENS. Work for other people?

Mr. WRIGHT. I was employed.

Mr. ARENS. What was your next employment?

(The witness conferred with his counsel.)

Mr. WRIGHT. My next employment was in Chicago, Ill. with the LaSalle Extension University, in the correspondence business.

Mr. ARENS. Do you recall when you commenced with LaSalle?

Mr. WRIGHT. I think that was in 1934.

Mr. ARENS. In what capacity did you serve?

Mr. WRIGHT. At the beginning I was classified as an instructor, handling correspondence lessons that came in. Then I was given an assignment to organize the resident school there, a business school teaching the stenotypists—the machine which is being used here—and typing.

Mr. ARENS. How long were you engaged with the LaSalle Institution in Chicago?

Mr. WRIGHT. Until 1938.

Mr. ARENS. Was your disassociation from the LaSalle Institution voluntary?

Mr. WRIGHT. Yes, it was.

Mr. ARENS. Kindly tell us now your next employment.

Mr. WRIGHT. My next employment was with the Peoples Press.

Mr. ARENS. First of all, tell us when that employment commenced.

Mr. WRIGHT. At the same time that I left the last job, it was in the spring of 1938, I believe.

Mr. ARENS. Can you identify Peoples Press for us?

Mr. WRIGHT. It was a chain of labor newspapers, labor and community newspapers.

Mr. ARENS. Who ran Peoples Press?

Mr. WRIGHT. Mr. Frank Palmer.

Mr. ARENS. Can you identify him for us?

Mr. WRIGHT. No, I can't identify him further than that.

Mr. ARENS. Was he president of the corporation that owned Peoples Press?

Mr. WRIGHT. That I don't know. He was the executive editor.

Mr. ARENS. How many papers did Peoples Press have?

Mr. WRIGHT. I think there were 56 editions at one time.

Mr. ARENS. Were there 56 separate areas in which it circulated? Is that what you mean?

Mr. WRIGHT. Some of the editions were edited on behalf of local and international unions, and others were community editions.

Mr. ARENS. What was the total circulation of Peoples Press?

Mr. WRIGHT. I can't recall.

Mr. ARENS. What is your best estimate as to what was the total circulation of Peoples Press?

Mr. WRIGHT. I have no basis for an estimate.

Mr. ARENS. In what capacity were you identified with Peoples Press?

Mr. WRIGHT. As reporter and rewrite man at the beginning. Later I was editor of certain editions—various editions.

Mr. ARENS. Is Peoples Press currently in publication?

Mr. WRIGHT. No, it is not.

Mr. ARENS. When did it go out of business?

Mr. WRIGHT. It went out of business—I think it was late in 1938 at the time that the CIO News began publication. It took over various editions.

Mr. ARENS. Does Peoples Press have a successor entity or organization?

Mr. WRIGHT. I don't think so, not that I know of.

Mr. ARENS. How long were you with Peoples Press?

Mr. WRIGHT. Not quite a year.

Mr. ARENS. Your next employment?

Mr. WRIGHT. My next employment was with the Townsend National Weekly published by the Townsend old-age pension organization.

Mr. ARENS. In what capacity?

Mr. WRIGHT. The same as in the last job, general editorial work.

Mr. ARENS. How long were you associated with that publication?

Mr. WRIGHT. I think it was about a year?

Mr. ARENS. Your next occupation?

Mr. WRIGHT. The next job was as editor of the Wisconsin edition of the CIO News.

Mr. ARENS. When did that employment begin?

Mr. WRIGHT. In 1940.

Mr. ARENS. Where were you living?

Mr. WRIGHT. In Milwaukee.

Mr. ARENS. Did I understand you to say you were the editor?

Mr. WRIGHT. That is right.

Mr. ARENS. Who was your superior?

Mr. WRIGHT. Well, I was working under the direction of the executive board of the Wisconsin Industrial Union Council. Mr. Walter Burke was the man I reported to. He was secretary of that council.

Mr. ARENS. How long did you serve as editor of the Wisconsin CIO News?

Mr. WRIGHT. From a year and a half until March 1942.

Mr. ARENS. Tell us, your next employment, please

Mr. WRIGHT. My next employment was as assistant editor of the publication of the International Union of Mine, Mill, and Smelter Workers.

Mr. ARENS. What was the name of it then?

Mr. WRIGHT. At the time that I was hired there it was the Mine, Mill, and Smelter Workers edition of the CIO News.

Mr. ARENS. At that time was Mine-Mill identified with the CIO?

Mr. WRIGHT. That is right.

Mr. ARENS. Who was the editor at that time?

Mr. WRIGHT. Graham Dolan.

Mr. ARENS. Where was the office; where were you employed?

Mr. WRIGHT. It was in Denver, and that is where I was employed.

Mr. ARENS. Did you report to or were you responsible to Graham Dolan?

Mr. WRIGHT. Yes; he was my immediate superior.

Mr. ARENS. Did you know him prior to the time that you assumed your job as assistant editor?

Mr. WRIGHT. Yes. I knew him as a member of the Newspaper Guild in Chicago.

Mr. ARENS. You knew him back when you were with the Peoples Press, in 1938; is that right?

Mr. WRIGHT. I can't recall knowing him at that time.

Mr. ARENS. Was he instrumental in engaging you with the Mine-Mill organization?

Mr. WRIGHT. I made a formal application to the executive board.

Mr. ARENS. I understand, but was he instrumental in procuring your employment or assisting you in procuring your employment?

Mr. WRIGHT. Well, I wrote to him at the time that I learned of his appointment to that job, and I told him I would like to work in the West and if he ever knew of an opening in Colorado or some State in this area I would like to know about it.

Mr. ARENS. Tell us your next assignment within Mine-Mill. We have gone now to 1942 according to the chronology.

Mr. WRIGHT. At the time that Graham Dolan joined the Navy in 1944, I became editor of the paper.

Mr. ARENS. How long were you editor of the paper?

Mr. WRIGHT. Until November of 1955.

Mr. ARENS. What happened then?

Mr. WRIGHT. I resigned to take my present position.

Mr. ARENS. During the time that you were editor of the Mine-Mill paper did the format of the paper change: that is, the name of it?

Mr. WRIGHT. The name changed from "The Union" to "The Mine-Mill Union."

Mr. ARENS. What was the circulation of the paper when you were last editor?

Mr. WRIGHT. The circulation was about 80,000 up until the time that the Canadian section of the union began publication of a separate paper. So we discontinued sending the paper to the Canadian membership, and the circulation dropped to about 50,000.

Mr. ARENS. Are the editorials and articles of the Canadian paper and of the American paper interchangeable?

Mr. WRIGHT. Sometimes material from one paper is reprinted in the other.

Mr. ARENS. Is the editorial policy the same, under the same guidance?

Mr. WRIGHT. Not completely the same, because the Canadian section of the union has its own executive board.

Mr. ARENS. Yesterday I believe we had a little explanation of the relationship between the two organizations. What is your present job?

Mr. WRIGHT. My present job is business agent for Local 890 of the Mine, Mill, and Smelter Workers.

Mr. ARENS. You have occupied that post since 1955?

Mr. WRIGHT. December.

Mr. ARENS. Who is your immediate superior?

Mr. WRIGHT. Mr. Juan Chacon, J-u-a-n C-h-a-c-o-n.

Mr. ARENS. In the course of your work as editor of the Mine-Mill paper, did you have occasion to promote the motion-picture film, Salt of the Earth?

Mr. WRIGHT. I wrote a good deal of material about it.

Mr. ARENS. Did you have anything to do with the actual production of the film?

Mr. WRIGHT. No, sir. I wish I had, but I didn't.

Mr. ARENS. Was it promoted by the Mine-Mill organization?

Mr. WRIGHT. I don't think it would be accurate to say it was promoted by the Mine-Mill.

Mr. ARENS. It was endorsed or commended by Mine-Mill; is that correct?

Mr. WRIGHT. That is correct.

Mr. ARENS. Though the Mine-Mill publications?

Mr. WITT. Mr. Arens, will you take my answer to that? I think it will save a little time.

Mr. ARENS. I think I would prefer to have his response.

The CHAIRMAN. I think it was largely financed, wasn't it?

Mr. WITT. That is the problem. I will be glad to explain it.

The CHAIRMAN. Yes; I would like to have it for the record.

Mr. ARENS. Did it have financing from Mine-Mill?

Mr. WRIGHT. It had no financing at all from Mine-Mill.

Mr. ARENS. What participation did Mine-Mill as an organization have in the production, distribution, promotion, or publicity of the Salt of the Earth films?

Mr. WRIGHT. The international union had no participation beyond agreeing to formal arrangement as cosponsors of the film. The local union with which I am connected now was the one that participated in making the film. Their contribution was that some of their members acted in the film.

Mr. ARENS. May I interrupt here to be sure this record is clear. Although you have asserted, Mr. Wright, that the international did not finance or promote the film, do I understand you correctly that the local with which you are currently identified did so promote the film?

Mr. WRIGHT. It did not in any way help finance the film.

Mr. ARENS. What did the local do toward the production?

Mr. WRIGHT. The local cooperated in the preparation of the script by holding meetings at which the drafts of the script while it was in preparation were read. Since the story was based pretty largely on a strike which had taken place there, the people who had been involved in that strike heard the script and made their criticisms and comments so as to bring it into line with the actual reality of the strike.

Mr. ARENS. With whom did the local cooperate? You say it cooperated. With whom did it cooperate?

Mr. WRIGHT. With the people who were preparing to make the film.

Mr. ARENS. Who were they?

Mr. WRIGHT. Well, they are organized as Independent Productions, Inc.

Mr. ARENS. Could you tell us who are the leaders of Independent Productions, Inc., the principal people in it?

Mr. WRIGHT. The people that I knew were Herbert Biberman, Michael Wilson, who wrote the script, Paul Jarrico. B-i-b-e-r-m-a-n, W-i-l-s-o-n.

Mr. ARENS. Paul Jarrico, you say?

Mr. WRIGHT. Yes.

Mr. ARENS. He was the producer?

Mr. WRIGHT. Yes. J-a-r-r-i-c-o.

Mr. ARENS. Did Mine-Mill or did any of the individual officers of Mine-Mill have anything to do with the immigration problems of one of the actresses in the film whose name was Rosaura, last name R-e-v-u-a-l-t-a-s?

Mr. WRIGHT. That isn't the correct spelling.

Mr. ARENS. How do you spell it correctly, then?

Mr. WRIGHT. You used an "a" in place of an "e."

Mr. ARENS. Could you spell the actress' name for the record?

Mr. ARENS. Would you give your spelling again, please?

Mr. ARENS. Rosaura R-o-s-a-u-r-a. The last name, R-e-v-u-a-l-t-a-s.

Mr. WRIGHT. It should be e-l-t-a-s.

Mr. ARENS. All right, sir. What did you or what did any of the officers of Mine-Mill have to do with the immigration problems of this actress?

Mr. WRIGHT. To my knowledge, nothing.

Mr. ARENS. Did you as editor of the Mine-Mill publication run articles respecting her problems and defend her?

Mr. WRIGHT. I think we did.

Mr. ARENS. Do you know whether or not she was a Communist?

(The witness conferred with his counsel.)

Mr. WRIGHT. I have no information on that.

Mr. ARENS. Thank you, sir.

How many of the cast of Salt of the Earth were members of local 890 of Mine-Mill?

Mr. WRIGHT. I couldn't say offhand. There were several hundred people who were filmed in some of the scenes.

Mr. ARENS. Were most of the cast from the standpoint of just numbers of people in Mine-Mill?

Mr. WRIGHT. Yes.

The CHAIRMAN. The Princpal roles were played by professional actors and actresses? Is that correct?

Mr. WRIGHT. Not entirely. The male lead was played by a member of the local union there.

Mr. ARENS. Who was he?

Mr. WRIGHT. Juan Chacon; the man I mentioned a few minutes ago.

Mr. ARENS. Do you know whether or not the man whom you just mentioned, Juan Chacon, was a Communist?

(The witness conferred with his counsel.)

Mr. WRIGHT. I decline to answer that question under my privilege under the fifth amendment.

Mr. ARENS. Did Mine-Mill take credit for the production of the film? Did Mine-Mill assert in articles by you that this full-length film story had been made by Mine-Mill?

Mr. WRIGHT. As I remember it, we said we cosponsored it. That was the fact.

Mr. VELDE. You said that Juan Chacon—is that the name?—who played the lead in the theater is a nonprofessional actor?

Mr. WRIGHT. That is right.

Mr. VELDE. Had he had any experience at all in acting?

Mr. WRIGHT. No. He had training prior to the time that the filming of the picture began.

Mr. VELDE. What kind of training?

Mr. WRIGHT. Training as an actor by the people, by the director of the film.

Mr. ARENS. Do you know where Salt of the Earth has played?

Mr. WRIGHT. I couldn't answer that question.

Mr. ARENS. That is beyond your scope of knowledge?

Mr. WRIGHT. That is right.

Mr. ARENS. Has it been, however, circulated pretty well over the Nation?

Mr. WRIGHT. I don't think so.

Mr. ARENS. Has it been played on a free basis to the various locals of the organization?

Mr. WRIGHT. To most of them.

Mr. ARENS. Has it been on loan to other organizations or groups?

Mr. WRIGHT. I think a fee has been charged for it.

Mr. ARENS. Do you know who actually has had charge of the distribution of the film, Salt of the Earth?

Mr. WRIGHT. I had charge of it at one time. This was on 16 mm. As far as the 35 mm. distribution I had nothing to do with that.

Mr. ARENS. On the 16 mm. distribution which you had charge of, what did you do? Where did you play it?

Mr. WRIGHT. Mostly we furnished it to our—we had one copy of it and sent it around to various local unions which wanted to show it.

Mr. ARENS. Local unions of what organization?

Mr. WRIGHT. Mostly of Mine, Mill, and Smelter Workers.

Mr. ARENS. What other organizations received the film?

Mr. WRIGHT. There are too many for me to attempt to name them.

Mr. ARENS. Enumerate some of the principal ones.

Did United Electrical, Radio, and Machine Workers of America receive them?

Mr. WRIGHT. UE was one of the organizations.

Mr. ARENS. Did Distributing, Processing, and Office Workers of America receive them?

Mr. WRIGHT. Not to my knowledge.

Mr. ARENS. Did Harry Bridges' boys receive them?

Mr. WRIGHT. Who is Harry Bridges' boys?

Mr. ARENS. The longshoremen.

Mr. WRIGHT. I don't recall its being shown there, but I couldn't say positively. I know a number of congregations of the Quaker Church have shown it.

Mr. ARENS. Were you instrumental in promoting the display of the film to the members of the Quaker Church, and the congregations of the Quaker Church?

Mr. WRIGHT. No; I just arranged for them to get a copy of the film when they wrote and asked for it.

Mr. ARENS. How many times was it displayed to various congregations? How many congregations?

Mr. WRIGHT. I couldn't give you a figure on that.

Mr. ARENS. When was the film actually finished, ready for release. What was the date of it?

Mr. WRIGHT. I don't know the exact date.

Mr. ARENS. Was it in 1955? What year? That is what I really meant.

Mr. WRIGHT. I believe the film was made in 1953.

Mr. ARENS. When was it actually distributed throughout the country?

Mr. WRIGHT. I think it was about February or March of 1954 that it was completed.

Mr. ARENS. What are your duties as business agent? Give us a brief summary of your duties.

Mr. WRIGHT. Principally to meet with representatives of the companies with which the local union has contracts and settling grievances.

Mr. ARENS. Are you regarded technically as an official, so as to be within the purview of the non-Communist affidavit——

Mr. WRIGHT. No; I am not an elected official.

Mr. ARENS. You are an appointive employee?

Mr. WRIGHT. I am an employee.

Mr. ARENS. Who actually appointed you?

Mr. WRIGHT. I was appointed by vote of the executive board of the local union, and following that by vote of three membership meetings.

Mr. ARENS. Mr. Wright, would you look over to the right, at this gentleman in the blue suit seated here? Would he please stand. Will you tell us whether or not you have ever seen him before?

Mr. WRIGHT. I will take my privilege under the fifth amendment on that.

Mr. ARENS. The gentleman standing there is Mr. Bellarmino Duran, who testified under oath a day or so ago before this committee that while he was an undercover agent in the Communist conspiracy serving his government and reporting to the Federal Bureau of Investigation he, to a certainty, knew you as a member of the Communist Party.

Mr. WRIGHT. He also said here that I was responsible for socialist content in Salt of the Earth. It so happens there is no socialist content.

Mr. ARENS. I assume you take issue with him on that. His interpretation of what you did on Salt of the Earth was in error, is that correct?

Mr. WRIGHT. He had no basis for interpretation. He knew nothing about it.

Mr. ARENS. Did he have any basis for asserting that you were a member of the Communist Party?

Mr. WRIGHT. I will take the fifth amendment on that.

The CHAIRMAN. By that you mean you refuse to answer?

Mr. WRIGHT. Yes, sir.

Mr. ARENS. Do you honestly apprehend that if you told this committee whether or not Mr. Duran was telling the truth with respect to your Communist Party affiliations, you would be supplying information which might be used against you in a criminal proceeding?

Mr. WRIGHT. I don't think I have to explain my reason for taking the fifth amendment.

Mr. ARENS. I am not asking you to explain your reason. I am only asking you whether or not you honestly apprehend that the answer to that principal question might give information which could be used against you in a criminal proceeding.

Mr. WRIGHT. I refuse to answer that on the same basis.

Mr. ARENS. I suggest, Mr. Chairman, that the witness be ordered and directed to answer.

The CHAIRMAN. You are directed to answer the question.

Mr. WRIGHT. I refuse to answer on the same grounds.

Mr. ARENS. We have no further questions of this witness at this time.

Mr. VELDE. I have just one question.

As a person being in charge of the release of the Salt of the Earth film, can you tell me whether it had any foreign outlets?

Mr. WRIGHT. I have read in the press that it has been shown in foreign countries.

Mr. VELDE. Didn't you have anything to do with that?

Mr. WRIGHT. I have had nothing to do with the distribution of the film aside from one 16 mm. copy which I helped to get around to our various local unions. I would be very happy to arrange a showing of Salt of the Earth for the members of this committee if you would like to see it.

Mr. VELDE. We have access to it, of course. I am just interested in finding out how wide a distribution it had. It is a pro-Communist film. There is no question about it. You know that as well as I do.

The CHAIRMAN. I saw the copy that the FBI had.

Mr. ARENS. If you want to accommodate the committee I might suggest you could accommodate the committee by telling us the names of the Communists who participated in the production of the film and the script and the distribution of this film. Would you care to do that?

Mr. WRIGHT. Is that a serious question?

The CHAIRMAN. Yes, indeed.

Mr. VELDE. Certainly it is.

Mr. WRIGHT. I will take the fifth amendment on that.

The CHAIRMAN. Who was in charge of the distribution of the film?

Mr. WRIGHT. There was a corporation set up called IPC, distributors.

The CHAIRMAN. What does that mean?

Mr. WRIGHT. Independent Productions Corp. was the name of the company which produced the film, and then they set up Independent Productions Corp. as distributors.

The CHAIRMAN. Under the laws of what State was the organization incorporated?

Mr. WRIGHT. I don't know that.

The CHAIRMAN. It was a corporation?

Mr. WRIGHT. I don't know that, either.

Mr. WITT. Would you take my answer on that, Mr. Walter? It was set up under the laws of the State of California.

The CHAIRMAN. No further questions.

The witness is excused from further testimony under the subpena.

Mr. ARENS. Alfredo Montoya, M-o-n-t-o-y-a.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MONTOYA. I do.

The CHAIRMAN. Be seated.

TESTIMONY OF ALFREDO C. MONTOYA; ACCOMPANIED BY COUNSEL, NATHAN WITT

Mr. ARENS. Please identify your self by name, residence, and occupation.

Mr. MONTOYA. My name is Alfredo C. Montoya. My address is Post Office Box 382, El Paso, Tex. I am business agent of the El Paso mine-mill locals in El Paso, Tex.

Mr. ARENS. What locals please?

Mr. MONTOYA. Locals 501, 509, and 903.

Mr. ARENS. Are you appearing today, Mr. Montoya, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. MONTOYA. Yes.

Mr. ARENS. And you are represented by counsel?

Mr. MONTOYA. Yes.

Mr. ARENS. Will counsel identify himself, please.

Mr. WITT. Nathan Witt, Post Office Box 156, New York, N. Y.

Mr. ARENS. Where were you born?

Mr. MONTOYA. Albuquerque, N. Mex.

Mr. ARENS. When?

Mr. MONTOYA. The 18th of February 1921.

Mr. ARENS. Tell us a word, if you please, about your education.

Mr. MONTOYA. I attended the primary schools in central New Mexico. I completed high school in Silver City, N. Mex. I completed about 3 years of college.

Mr. ARENS. Where did you attend college?

Mr. MONTOYA. At the University of New Mexico.

Mr. ARENS. When did you discontinue your studies with the University of New Mexico?

Mr. MONTOYA. About the first time I went with my first employment I think it was about either the latter part of 1943 or the early part of 1944, sometime thereabouts.

Mr. ARENS. Your first employment, please.

Mr. MONTOYA. I worked for the Government.

Mr. ARENS. In what capacity?

Mr. MONTOYA. As a farm labor supervisor.

Mr. ARENS. In what agency?

Mr. MONTOYA. At the time I was first employed by a wartime agency called the War Food Administration.

Mr. ARENS. Where?

Mr. MONTOYA. I started here in Denver, Colo.

Mr. ARENS. What was your job?

Mr. MONTOYA. I believe at that time my title was farm labor supervisor.

Mr. ARENS. What were your duties?

Mr. MONTOYA. My duties were to assist in the importation of Mexican labor, in the transportation to the farm-labor camps, in housing, medical attention, relations with their employers, farmers, farmers' associations.

Mr. ARENS. Did you so cause Mexican labor to be imported and made available to the planters and growers in the area?

Mr. MONTOYA. No. No; this was handled by another division of the agency.

Mr. ARENS. Then I don't quite understand what your specific duties were.

Mr. MONTOYA. For example, the first assignment I got was at Fort Logan, Colo., where they had a farm-labor camp. I was assigned to that camp and my duties were to assist, for example, in handling problems which arose between the employees and——

Mr. ARENS. Who was your immediate supervisor in the War Food Administration?

Mr. MONTOYA. I don't recall his name. My immediate supervisor was a district farm labor supervisor, and I don't recall his name.

Mr. ARENS. I don't quite understand why it would be called the War Food Administration in 1934.

Mr. MONTOYA. No; not 1934; 1944.

Mr. ARENS. 1944. When did you graduate from the University of New Mexico?

Mr. MONTOYA. I didn't graduate.

Mr. ARENS. When did you complete your studies there?

Mr. MONTOYA. As I said, about the same time that I took this job.

Mr. ARENS. About 1943 or 1944?

Mr. MONTOYA. Thereabouts; that is right.

Mr. ARENS. I just had the wrong date down here.

How long did you occupy this job with the War Food Administration?

Mr. MONTOYA. The War Food Administration either went out of existence or was dissolved some time in 1945 or thereabouts, and as I recall the farm labor importation program was then transferred to some other department in the Department of Agriculture. I stayed with the Department until December of 1947.

Mr. ARENS. In what capacity did you serve under the Department of Agriculture?

Mr. MONTOYA. I was promoted from farm labor supervisor to district labor supervisor. That was the title that I had when the program went out of existence.

Mr. ARENS. What district did you have?

Mr. MONTOYA. I was first assigned a district in Grand Junction, Colo. Then I was assigned to another district in eastern Oregon. Then after that I was assigned to a district in the State of Utah.

Mr. ARENS. I take it a district is less in geographical area than a State, then; is that correct?

Mr. MONTOYA. For example, in Colorado and Oregon it was limited to a certain area, but in the State of Utah, although I still had the same title I covered camps all over the State.

Mr. ARENS. You had, I take it, substantially the same duties and obligations as district supervisor as you had previously in a lower echelon in the work; is that correct?

Mr. MONTOYA. That is right, with the one exception that I was responsible for labor supervisors under my direction.

Mr. ARENS. How many labor supervisors were there under your direction?

Mr. MONTOYA. I think in the State of Utah there might have been 2, possibly 3. I don't remember exactly.

Mr. ARENS. Substantially the same number in the other States in which you had districts?

Mr. MONTOYA. I didn't have any others under me in other States.

Mr. ARENS. Were you responsible for these people's employment or were they just employed and assigned to you?

Mr. MONTOYA. They were just assigned to me.

Mr. ARENS. What occasioned your disassociation from this program?

Mr. MONTOYA. The program went out of existence in December of 1947, and I was terminated.

Mr. ARENS. Then what did you do, beginning in December of 1947?
Mr. MONTOYA. I went back to Albuquerque, N. Mex.
Mr. ARENS. What did you do there?
Mr. MONTOYA. I enrolled at the University of New Mexico.
Mr. ARENS. In what type of work did you engage?
Mr. MONTOYA. I attended. I was a student.
Mr. ARENS. What courses did you take? What were you pursuing?
Mr. MONTOYA. My major is what they call inter-American affairs.
Mr. ARENS. Inter-American affairs?
Mr. MONTOYA. Inter-American affairs.
Mr. ARENS. Did you complete the course?
Mr. MONTOYA. No, I didn't.
Mr. ARENS. How long were you there?
Mr. MONTOYA. I think I was there about a semester.
Mr. ARENS. How were you sustained financially during that period?
Mr. MONTOYA. My wife and I had both been employed by the Government, and we had saved some money.
Mr. ARENS. You didn't complete the course, is that correct?
Mr. MONTOYA. No, I didn't.
Mr. ARENS. All right, sir. What did you do next?
Mr. MONTOYA. You mean employment?
Mr. ARENS. Yes.
Mr. MONTOYA. The next job I had was as manager of a store in northern New Mexico.
Mr. ARENS. What type of store?
Mr. MONTOYA. A small general goods store.
Mr. ARENS. How long did you have that employment?
Mr. MONTOYA. I was on that job for maybe about 5 or 6 months.
Mr. ARENS. All right, sir; then where did you go?
Mr. MONTOYA. Then my next employment was in Los Angeles, Calif., where I worked first in the construction trades as a laborer, and I worked at that for 5 or 6 months. Then I worked in the packinghouse industry.
Mr. ARENS. In what capacity, just as a worker?
Mr. MONTOYA. I partly worked on the shapeup as a swamper, as a truck driver, as a meat lugger, as they call them.
Mr. ARENS. Tell us about your next employment, please.
Mr. MONTOYA. Then my next employment on a part-time basis was as a translator.
Mr. ARENS. For whom?
Mr. MONTOYA. For a newspaper.
Mr. ARENS. What newspaper?
Mr. MONTOYA. The Spanish page of the Mine-Mill Union.
Mr. ARENS. Was that your first employment with Mine-Mill?
Mr. MONTOYA. It was part-time employment, yes.
Mr. ARENS. When did that occur?
Mr. MONTOYA. This occurred, I believe the early part of 1953.
Mr. ARENS. Where was that employment?
Mr. MONTOYA. Here in Denver.
Mr. ARENS. How did you happen to get that job?
Mr. MONTOYA. I applied for the job through the editor.
Mr. ARENS. Did you know the editor?
Mr. MONTOYA. Yes.
Mr. ARENS. Who was he?

Mr. MONTOYA. Mr. Wright.

Mr. ARENS. How long had you known him?

(The witness conferred with his counsel.)

Mr. MONTOYA. I had known him for a number of years. I don't recall the exact number.

Mr. ARENS. Can you tell us where you first made his acquaintanceship?

Mr. MONTOYA. I really don't recall where I first met him.

Mr. ARENS. Can you tell us the nature of your acquaintanceship with him? Was it social or business or what was its nature?

Mr. MONTOYA. It was social. I am from Grant County, N. Mex., where the union has a local, and I believe at some time or another I met him socially.

Mr. ARENS. Was that the exclusive nature of your acquaintanceship with Mr. Wright?

Mr. MONTOYA. I don't understand that.

(The witness conferred with his counsel.)

Mr. ARENS. Does that completely encompass the relationship which you had with Mr. Wright before you became a translator in 1953 with the Mine-Mill paper?

Mr. WITT. Will you give us half a minute so I can try out our sound system here.

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that question on the basis of my privilege under the fifth amendment.

Mr. ARENS. When did you first know Mr. Wright?

Mr. WRIGHT. I don't recall.

Mr. ARENS. How many years prior to 1953 was it that you knew him?

Mr. MONTOYA. I really don't recall. No; it was a number of years.

Mr. ARENS. How long were you employed as translator for this paper, Mine-Mill Union, beginning in 1953?

Mr. MONTOYA. About a year. It was a part-time job.

Mr. ARENS. Did you have some other employment on the side?

(The witness conferred with his counsel.)

Mr. MONTOYA. I will respectfully decline to answer that question on the basis of the reason previously stated.

Mr. ARENS. When was it that you began the employment concerning which you decline to comment?

Was that concurrently with your employment as a translator?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Did you receive remuneration or compensation for this employment concerning which you decline to comment?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline for the same reason.

Mr. ARENS. How long did you serve as a translator?

Mr. MONTOYA. About a year.

Mr. ARENS. Then what happened?

Mr. MONTOYA. Then I was appointed as an international representative of the Mine, Mill.

Mr. ARENS. That was about 1954, international representative?

Mr. MONTOYA. Some time in the spring of 1954.

Mr. ARENS. What was your duty or responsibility?

Mr. MONTOYA. I was first assigned to Leadville, Colo., Gilman, I believe.

Mr. ARENS. What were your duties?

Mr. MONTOYA. The duties were the routine duties of an international representative, to represent the union at grievances, to assist the local officers in the administration of the local union affairs.

Mr. ARENS. Did you sign a Taft-Hartley affidavit at any time?

Mr. MONTOYA. No.

Mr. ARENS. Did you in the course of your duties as international representative perform any function other than the functions which you have just recounted to us?

(The witness conferred with his counsel.)

Mr. MONTOYA. The only other thing that I was involved in was we were having a representation election in Gilman at the time and I assisted in that. That is the extent of my duties.

Mr. ARENS. A little while ago when we were talking about your employment beginning in 1953, Mr. Montoya, you told us about your employment as a translator and then invoked the fifth amendment with reference to some other employments. How long did this other employment concerning which you have invoked the fifth amendment endure; how long did it last?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that on the basis of the privilege under the fifth amendment.

Mr. ARENS. Did this employment concerning which you have invoked the fifth amendment endure into 1954?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Does it endure at the present time?

(The witness conferred with his counsel.)

Mr. MONTOYA. The answer to that is no.

Mr. ARENS. Did it endure last year?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Were you, in January of 1956, engaged in this employment concerning which you have invoked the privilege of the fifth amendment not to testify?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that for the previous stated reason.

Mr. ARENS. Were you, in January of 1956 engaged in this employment concerning which you have invoked the privilege of the fifth amendment?

Mr. MONTOYA. I also respectfully decline to answer that for the previously stated reason.

Mr. ARENS. Were you engaged in the employment, concerning which you have invoked the fifth amendment, yesterday?

Mr. MONTOYA. I also decline to answer that for the previously stated reason.

Mr. ARENS. Are you engaged in this employment concerning which you invoke the fifth amendment now, at the present time?

Mr. MONTOYA. As I answered that before, the answer is no.

The CHAIRMAN. Will you resume that employment tomorrow?

(The witness conferred with his counsel.)

Mr. MONTOYA. No.

Mr. ARENS. How many members are there in the locals which you currently represent as business agent?

Mr. MONTOYA. Between 1,600 and 1,700.

Mr. ARENS. When did you become the business agent of these locals as distinct from your job as an international representative which you said you started in 1954?

Mr. MONTOYA. In November of last year.

Mr. ARENS. Were you an international representative of the Mine, Mill and Smelter Workers up until November of last year?

Mr. MONTOYA. Up until about August.

Mr. ARENS. What happened between August and November?

Mr. MONTOYA. I continued assisting the locals.

Mr. ARENS. In what capacity?

Mr. MONTOYA. In assisting them in the usual work that I have been doing.

Mr. ARENS. Why did you no longer carry the title of international representative there?

Mr. MONTOYA. There was a reduction in force in the international union and I was reduced from the staff.

Mr. ARENS. But you were carried on the payroll, is that correct?

Mr. MONTOYA. No.

Mr. ARENS. How did you sustain yourself during those several months?

Mr. MONTOYA. Well, there was a gap in between there of about 2 weeks during which the locals covered about 2 weeks of the month and the other was on my own. I received no compensation for 2 weeks.

Mr. ARENS. Mr. Montoya, have you been president of the National Association of Mexican-Americans?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. You are not ashamed of any affiliation you may have had with such an uplift organization as the National Association of Mexican-Americans, are you?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. I lay before you now, Mr. Montoya, a document, the Communist Daily People's World, Tuesday, October 25, 1949, page 3, in which there is an article entitled "125 Delegates Hail Step in Fight Against Bias." I am going to mark this document "Montoya Exhibit No. 1."

The Mexican-American National Association was firmly established in this community today following a founding convention that drew 125 delegates from trade unions and fraternal groups in many parts of California.

The date line is Los Angeles.

Alfredo Montoya, national president of the organization, termed the well attended convention and the rapid growth of ANMA throughout the Southwest "a tremendous step forward for the Mexican-American people."

I lay this article before you now, Mr. Montoya, and ask you if you are the person alluded to in that article and identified as the national president of the organization.

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. Do you mean to tell this committee that if you truthfully responded to the question as to whether or not you are the person who was president of this organization, you would be supplying information which might be used against you in a criminal proceeding?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question, Mr. Montoya.

Mr. MONTOYA. I respectfully decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. Mr. Montoya, I lay before you a photograph which appears in that article, identified as Alfredo Montoya and I ask if you will identify that photograph as that of yourself.

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Do you honestly apprehend that if you identified that photograph as one being of yourself, you would be supplying information which might be used against you in a criminal proceeding?

Mr. MONTOYA. I decline to answer that on the previously stated reason.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer this question.

The CHAIRMAN. You are directed to answer the question. That is a public paper, Mr. Montoya.

Mr. MONTOYA. I respectfully decline to answer that for the previously stated reason.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this document, "Montoya Exhibit No. 1", be incorporated by reference in this record to be retained in the committee files.

The CHAIRMAN. It is so ordered. May I see it please?

Mr. ARENS. Mr. Montoya, have you participated in conferences on civil rights in Los Angeles in the course of the last few years?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. I lay before you a document which is a photostatic copy of the Daily People's World of Thursday, April 6, 1950, and invite your attention to an article—

L. A. conference called on civil rights. A call to a conference and convention initiated by the Civil Rights Congress and sponsored by more than 80 leading trade unionists, writers, ministers, lawyers, and officers of organizations, was mailed today to 2,000 organizations and individuals—

and so forth.

Included in the list of the sponsors of this conference is a person identified here as Alfredo Montoya, national president, Mexican-American National Association. I ask you to look at that article, if you will do so, sir, and tell us whether or not you are the person iden-

tified in that article as one of the sponsors of this conference on civil rights.

Mr. MONTOYA. I decline to answer that on the basis of the previously stated reason.

Mr. ARENS. Mr. Chairman, I respectfuly suggest that this document be marked "Montoya Exhibit No. 2", and be incorporated by reference in this record to be retained in the committee files. May the record also show at this time that the Civil Rights Congress has been repeatedly cited as subversive and Communist.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Have you ever been identified with the American Committee for Protection of Foreign Born?

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. How many of the people who were imported into this country in this farm labor program did you actually come in contact with when you were with the Federal Government in this supervisory capacity?

(The witness conferred with his counsel.)

Mr. MONTOYA. I wouldn't know the exact number, but there were thousands.

Mr. ARENS. How many thousand would you say you actually worked with during the course of several years from 1944 until 1947 and 1948?

Mr. MONTOYA. I don't think I could give you——

Mr. ARENS. Well, did you work with as many as, say, ten or fifteen thousand?

Mr. MONTOYA. I don't know. I could just pull a figure out of the air.

Mr. ARENS. How many were imported under this program; do you recall?

Mr. MONTOYA. No, I don't.

Mr. ARENS. Would it be as many as a half million?

Mr. MONTOYA. I really wouldn't know.

Mr. ARENS. What is the McCarran Act; do you recall?

(The witness conferred with his counsel.)

Mr. WITT. Perhaps counsel can identify that a little more closely.

Mr. ARENS. I just wondered if he had a recollection as to what act it was he was talking about when he and others attacked the act which, in this photostatic copy of an article appearing in the Daily People's World of December 21, 1950, is identified as the McCarran Act. There are really two McCarran Acts. One which carries the name of the McCarran Act, with some other sponsor, is the Internal Security Act, and then there is the Immigration and Nationality Act, which was cosponsored by Senator McCarran and by Representative Walter. I wondered which one you had in mind. Perhaps you could help us.

Mr. WITT. Counsel hasn't shown the witness the exhibit.

Mr. ARENS. I will do that if the witness would like to see the exhibit, and tell us which act he has in mind. Look at that article, Mr. Montoya, and tell us which of these laws you were attacking?

Let the record show the above-mentioned document will be marked "Montoya Exhibit No. 3."

Mr. MONTOYA. I decline to answer that question on the basis of my previously stated grounds.

Mr. ARENS. Didn't the article help you refresh your recollection as to which act it was counsel was talking about?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. There is a picture in this Daily People's World, Montoya exhibit No. 3, of a person identified as Alfredo C. Montoya, who is giving a warning to all people that "the Government under the law is going to deport thousands of Mexicans without due process of law and in complete violation of the Constitution, said Montoya."

Was it you who said that?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. If you were this person who was making all of these assertions here in defense of innocent people who might be illegally and unconstitutionally deprived of their rights, you certainly wouldn't want to deny that assertion before this committee, would you?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. You made a statement on this before the Los Angeles Committee for Protection of Foreign Born, did you not?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this document, which has been marked "Montoya Exhibit No. 3," be incorporated by reference in this record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Can you tell this committee what the Smith Act is?

(The witness conferred with his counsel.)

Mr. MONTOYA. All I know is that it is the law of the land.

Mr. ARENS. Do you know what it is?

Mr. MONTOYA. I am really not too familiar with it.

Mr. ARENS. It appears that back in 1951 you had a better comprehension of what the Smith Act is. I lay before you now a document which is a reproduction of the Daily People's World for Tuesday, November 6, 1951, calling for repeal of the Smith Act as a law that is designed to destroy trade unions and a law that is out to have mass deportations and deprive people of their rights and make victims of innocent citizens and all that sort of thing. The key speaker was a man by the name of Alfredo Montoya who orated on this subject. I lay that document before you now and see if you can help this committee and help your Government by telling us whether you are that individual identified as Alfredo Montoya who was telling the people of the West all about the Fascist laws that were passed destroying human rights and liberties, laws which only, incidentally, were designed to destroy the Communistic conspiracy in this country. Tell us whether or not you are that Alfredo Montoya.

Mr. WITT. Shouldn't counsel break that question down a bit?

Mr. ARENS. I think he gets the point, Mr. Witt, as I think you do.

Would you tell us whether or not you are the Alfredo Montoya referred to in this article?

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

The CHAIRMAN. I was hoping when you were making that explanation that you would remind the people that no one can be deported

without a hearing, after which there can be an appeal to the Board of Immigration Appeals, and from there to the court; and that is the Supreme Court of the United States. If they still feel that their rights have been violated, they have access to the courts on a writ of habeas corpus.

Mr. ARENS. And the Supreme Court of the United States has tested this act and found it sound and constitutional in every respect.

The CHAIRMAN. I just wanted to clarify the atmosphere because there has been a campaign of misrepresentation that I am afraid a few of the gullible may have believed.

Mr. ARENS. You haven't been part of this campaign that the Congressman is speaking of to ensnare the unwary against the Smith Act, the Internal Security Act, and the McCarran-Walter Act, have you, Mr. Montoya?

(The witness conferred with his counsel.)

Mr. WITT. Mr. Chairman, I don't see how a lay witness can possibly answer a question like that.

The CHAIRMAN. I think that is correct, and I wish you would stop talking about the McCarran-Walter Act. It is the Walter-McCarran Act. The McCarran Act was never reported out of the committee.

Mr. WITT. We give you all the credit for it, Mr. Walter. Don't worry about that.

The CHAIRMAN. I am very happy to receive it from this source.

Mr. WITT. I know you are.

Mr. ARENS. May this document, Daily People's World, November 6, 1951, be marked "Montoya Exhibit No. 4," and be incorporated by reference in this record to be retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the citations of the American Committee for Protection of Foreign Born be incorporated in the printed record at this point.

The CHAIRMAN. It is so ordered.

(The citations referred to above follow:)

AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN

1. Cited as subversive and Communist.
 (*Attorney General Tom Clark, letters to Loyalty Review Board, released June 1, 1948, and September 21, 1948.*)
2. "One of the oldest auxiliaries of the Communist Party in the United States."
 (*Special Committee on Un-American Activities, Report, March 29, 1944, p. 155; also cited in Report, June 25, 1942, p. 13.*)
3. "Among the Communist-front organizations for racial agitation" which also serve as "money-collecting media" and "as special political organizing centers for the racial minority they pretend to champion." "Works closely with the International Labor Defense, legal arm of the Communist Party, in defense of foreign-born Communists and sympathizers."
 (*California Committee on Un-American Activities, Reports, 1947, p. 45; 1948, p. 113.*)

Mr. ARENS. Now, Mr. Montoya, I lay before you still another document marked "Montoya Exhibit No. 5," which is a photostatic copy of the Daily People's World, December 26, 1951, containing an advertisement respecting a celebration to be held at North Star Auditorium, the Chanukah, C-h-a-n-u-k-a-h, celebration—I can't quite pronounce that, and perhaps you will help us—at which one of the orators was a person identified here as Alfredo Montoya. Can you tell us about that meeting?

Mr. WITT. I think that is Chanukah, the Jewish holiday which probably counsel is referring to.

Mr. ARENS. Is that what it is?

Mr. WITT. I would think so, Mr. Arens. Shall I look at it and tell you?

The CHAIRMAN. The committee will stand in recess for 5 minutes.

(Brief recess.)

(Members of the committee present: Representatives Walter and Velde.)

The CHAIRMAN. The committee will be in order. Proceed, Mr. Arens.

Mr. ARENS. Mr. Chairman, in the course of the identification of this exhibit, especially in view of counsel's comment of the celebration being a religious one, I invite specifically the attention of the witness to the notation in the exhibit that this session is under the auspices of the Jewish People's Fraternal Order, which, as the record will show, has been repeatedly cited as a branch of the Communist conspiracy.

Mr. Montoya, look at the exhibit, please, and tell us whether or not that prompts your recollection as to any celebration in which you participated on the occasion indicated in the exhibit.

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that "Montoya Exhibit No. 5" be incorporated by reference in this record, and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Mr. Montoya, you have not only been a great humanitarian working among the Mexican nationals, but you have also been a strong advocate of peace, have you not, a partisan of peace in your career?

(The witness conferred with his counsel.)

Mr. MONTOYA. I believe in peace, and my answer to that question is "Yes."

Mr. ARENS. What have you done in pursuit of your belief in peace?

(The witness conferred with his counsel.)

Mr. MONTOYA. I have spoken in favor of peace and advocated peace.

Mr. ARENS. You have done that in such commendable fashion I would like to call your attention to an exhibit in connection with one of your orations on this subject, which we are marking "Montoya Exhibit No. 6." It is a reproduction of an article in the Daily People's World, of December 10, 1951, entitled "Progressive Party Opens Peace Campaign for 1952."

Among the speakers for peace is a person whose picture appears, Alfredo Montoya. Tell this committee and the American people whether or not you are the person who was there as a peace partisan.

Mr. WITT. Perhaps we can save a minute. Will you direct his attention to where the name is mentioned.

Mr. ARENS. The photograph. His name is under it there.

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

The CHAIRMAN. Since when is it a crime to advocate peace?

Mr. WITT. Mr. Chairman, if you will look at that exhibit I think you will understand why the witness in the light of his previous answer has refused to answer.

The CHAIRMAN. All right.

Mr. ARENS. In the course of your public service, Mr. Montoya, you have not only been a partisan of peace and the uplift of the community but you have also been against witch hunts, have you not?

(The witness conferred with his counsel.)

Mr. MONTOYA. Yes, I have been against witch hunts.

Mr. ARENS. And you have been a firm foe of the House Committee on Un-American Activities, have you not?

(The witness conferred with his counsel.)

Mr. MONTOYA. I have been.

Mr. ARENS. I lay before you a document marked "Montoya Exhibit No. 7," and ask you if you are the same Montoya who was urging folks, as recounted in this article in the Daily People's World of Friday, September 26, 1952, to combat the probers, to speak out and stand up and combat the House Committee on Un-American Activities. Are you the same person who is identified in that document as one of the public figures who is determined to destroy the witch-hunting House Committee on Un-American Activities?

(The witness conferred with his counsel.)

Mr. MONTOYA. Yes.

Mr. ARENS. You are the same person who is identified here, is that correct.

Mr. MONTOYA. Yes.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this document be incorporated by reference in this record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Also, Mr. Montoya, you have been active in the conference of the National Negro Labor Council, have you not?

(The witness conferred with his counsel.)

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. I lay before you now a document which is a photostatic copy of page 2 of the Daily People's World of January 25, 1952, in which an Alfredo Montoya's photograph appears—a striking likeness to your own—as a guest speaker at a NLC meeting. The article says:

> "Alfredo Montoya, president of the Mexican-American Association, ANMA, will be one of the guest speakers at the regional conference of the National Negro Labor Council this weekend."

I lay that before you now and ask you if you will stand up and tell this committee whether or not you are the person who is identified there as Alfredo Montoya.

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, this document be marked "Montoya Exhibit No. 8" and incorporated by reference in this record to be retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. You have not only participated in all these movements we have been describing, Mr. Montoya, you have also been what we

might call a progressive, have you not, in your activities? Have you been what you might characterize as a progressive in your public service?

(The witness conferred with his counsel.)

Mr. MONTOYA. I guess I have been generally known as a progressive.

Mr. ARENS. I would like to lay before you a document which is a photostatic copy of a letterhead of the Young Progressives of America, in which among the vice chairmen appears a person whose name is Alfredo Montoya, of New Mexico, and I ask you if that is the type of progressive activity in which you have been engaged during your career of public service.

(The witness conferred with his counsel.)

Mr. WITT. Mr. Arens, we have a bit of a difficulty with the form of the question. The witness is prepared to answer this——

Mr. ARENS. Is he the person identified?

Mr. WITT. That is different. You asked about the types of activity. He is prepared to answer this question.

Mr. ARENS. All right. Are you the person whose name appears on this letterhead as one of the vice chairmen of the Young Progressives of America?

Mr. MONTOYA. The answer is "Yes."

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this document be marked "Montoya Exhibit No. 9" and be incorporated by reference in the record to be retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Mr. Montoya, do you recall a couple of years ago your local there in El Paso was calling for international trade with Red China?

(The witness conferred with his counsel.)

Mr. WITT. Also there is a little difficulty with the form of that. He wasn't the business agent for the local at that time, and there is more than one local.

Mr. ARENS. Do you recall whether or not the locals of the Mine-Mill at El Paso back in 1954, in January of 1954, called for resumption of the United States trade with Soviet Russian and Red China?

Mr. MONTOYA. I don't recall.

Mr. ARENS. If you don't recall, that is satisfactory.

I am going to ask you to look at a man over here. Mr. Duran, will you please stand up. Look him in the face. Tell us whether or not you have ever seen him before.

Mr. MONTOYA. I decline to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. This man, Bellarmino Duran, took an oath and testified before this committee that he knew you as a member of the Communist conspiracy or Communist Party. Was he lying or was he telling the truth?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Are you currently under Communist Party discipline?

Mr. MONTOYA. I decline to answer that for the previously stated reason.

Mr. ARENS. Have you ever publicly or to the members of the International Union of Mine, Mill and Smelter Workers denied being a member of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. MONTOYA. As far as I can recall, no.

Mr. ARENS. Have you ever confessed to them that you were a member of the Communist conspiracy?

Mr. MONTOYA. I decline to answer that on the basis of the previously stated reason.

Mr. ARENS. Mr. Chairman, I suggest that concludes the interrogation of this witness by the staff.

The CHAIRMAN. Mr. Montoya, you are located now at El Paso?

Mr. MONTOYA. Yes; I am.

The CHAIRMAN. And connected with what local?

Mr. MONTOYA. I am actually employed by three locals.

The CHAIRMAN. How many locals are there?

Mr. MONTOYA. Three locals.

The CHAIRMAN. What are they?

Mr. MONTOYA. Locals 501, 903, and 509.

The CHAIRMAN. They are all the locals that are in El Paso?

Mr. MONTOYA. That is right.

The CHAIRMAN. Can you give us the names of the officials in those locals?

Mr. MONTOYA. I will try to remember. The executive board of each or just the presidents?

The CHAIRMAN. No; the executive board of each of the three.

Mr. MONTOYA. I will try to remember them.

The CHAIRMAN. To the best of your recollection.

Mr. MONTOYA. In local 509 the president is Juan Aranda, Jr., A-r-a-n-d-a; the vice president is George Escalante, E-s-c-a-l-a-n-t-e; the financial secretary is Carlos Becerra, B-e-c-e-r-r-a; the recording secretary is Jesus Rodriguez, R-o-d-r-i-g-u-e-z. That is the executive group.

The CHAIRMAN. Now the next local.

Mr. MONTOYA. Local 903. The president is Fred Molina, M-o-l-i-n-a; vice president—I believe the name is George Jasso, J-a-s-s-o; financial secretary, Salvador, S-a-l-v-a-d-o-r, Castillo, C-a-s-t-i-l-l-o; the recording secretary is a Mr. Morales. I don't recall his first name at the time. M-o-r-a-l-e-s.

The executive officers of local 501 are: President, Lorenzo France Ware, W-a-r-e; the vice president is Gilbert Maldonado, M-a-l-d-o-n-a-d-o; the financial secretary is—I believe they just had a change in financial secretary a few days ago and I don't recall the name of the new financial secretary, but the incumbent was—rather, the last one was Manuel Arizpe, A-r-i-z-p-e; the recording secretary is Emmet Johnson.

That constitutes the executive officers of the locals.

The CHAIRMAN. How many of these people live in Mexico?

Mr. MONTOYA. I don't really know. To my knowledge I believe they live in El Paso, but I am not certain.

The CHAIRMAN. All right. Thank you.

The witness is excused from further attendance at this hearing.

Mr. WITT. Thank you.

The CHAIRMAN. Call the next witness.

Mr. ARENS. Mr. Rudolph Cook, please.

The CHAIRMAN. Will you raise your right hand? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COOK. I do.

TESTIMONY OF RUDOLPH B. COOK; ACCOMPANIED BY COUNSEL, CLIFFORD W. MILLS

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. COOK. Rudolph B. Cook, 3301 Dexter Street, Denver.

I am an employee of the International Union of Mine, Mill, and Smelter Workers.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. COOK. That is right.

Mr. ARENS. Are you represented by counsel?

Mr. COOK. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself?

Mr. MILLS. Clifford W. Mills, 302 Majestic Building, Denver.

Mr. ARENS. In what capacity do you serve with the Mine-Mill organization?

Mr. COOK. I am in the supply department, handling supplies, shipping, in the mailing room, mimeographing.

Mr. ARENS. How long have you been employed by Mine-Mill?

Mr. COOK. Since they moved their headquarters from Chicago, I believe. I believe it was 1951.

Mr. ARENS. Have you since 1951 been continuously engaged in this type of work?

Mr. COOK. Yes, sir.

Mr. ARENS. For Mine-Mill?

Mr. COOK. Yes.

Mr. ARENS. What was your employment immediately prior to the employment which you presently occupy?

Mr. COOK. I worked in a broom factory.

Mr. ARENS. Where was that?

Mr. COOK. In Denver.

Mr. ARENS. Have you lived here most of your life?

Mr. COOK. I have lived here 35 years.

Mr. ARENS. How did you get your job with Mine-Mill?

Mr. COOK. Most of my experience in recent years has been in union work, which brought me in contact with members of that union and officers of that union.

Mr. ARENS. What is this experience in union work which you have had?

Mr. COOK. It goes back. I have been a member since 1934.

Mr. ARENS. Of Mine-Mill?

Mr. COOK. No, of different unions.

Mr. ARENS. Trace your employment since you became an adult, if you don't mind, Mr. Cook. Just in brief résumé form as you probably have heard others give us. Tell us first of all where were you born.

Mr. COOK. I was born in Arkansas, Buffalo, Ark.

Mr. ARENS. A word about your education.

Mr. COOK. I went to school in Arkansas and the last place I went to school was in Joplin, Mo.

Mr. ARENS. Where?

Mr. COOK. Joplin, Mo.

Mr. ARENS. What school in Joplin, Mo.?

Mr. COOK. Jackson, I think it was the name of the grade school, eighth grade.

Mr. ARENS. Trace very briefly and succinctly your employment record.

Mr. COOK. We came to Denver in about 1921, and the first 4 or 5 years I didn't have any real steady work, odd jobs around. I played ball a little. I worked at various jobs, moving company, furniture house, cleaning establishment, and odd jobs up until about I would say 1926, when I went up in the mountains for a couple of years with a nursery. Then in 1928 I went to work for the Denver Rio Grande Railroad.

Mr. ARENS. In what capacity?

Mr. COOK. As a laborer first and then almost immediately as a helper, machinist's helper, and then very soon, very shortly, as a machinist apprentice or helper apprentice and welder. My employment there covered approximately from about 1928 to 1939.

Somewhere in the early days of that, about the middle of that employment I became a member of the union and active in union work.

Mr. ARENS. What union was that?

Mr. COOK. The machinists union.

Mr. ARENS. Then in 1939 what happened?

Mr. COOK. In 1939 I went to work as business agent for the machinists union.

Mr. ARENS. Can you tell us the specific name of the union? The exact title.

Mr. COOK. It was District 86 of the International Association of Machinists. At that time it covered only machinists who were employed in contract shops, outside the railroad industry, and auto mechanics. Then later it was expanded to cover other locals in Denver and out in the State.

Mr. ARENS. How long did you serve in that capacity with this district 86?

Mr. COOK. About 5 years.

Mr. ARENS. That gets up to about 1944, doesn't it?

Mr. COOK. That is right.

Mr. ARENS. What did you do in 1944?

Mr. COOK. In 1944 I went to work for the War Manpower Commission.

Mr. ARENS. May I ask you if your disassociation from District 86 of the Machinists organization was wholly voluntary?

Mr. COOK. Well, it was an elected job, and I wasn't reelected.

Mr. ARENS. In 1944 then you went to work for the Federal Government, in what capacity?

Mr. COOK. With the War Manpower Commission in the State of Colorado.

Mr. ARENS. In what capacity did you work?

Mr. COOK. I don't remember the exact title at the beginning, but the primary job was labor-relations consultant, a sort of liaison job be-

tween the labor movement and the War Manpower Commission which had charge of employment offices, as you recall.

Mr. ARENS. Did you by any chance know Norman Pixler?

Mr. COOK. I knew him when I worked for the machinists.

Mr. ARENS. Did you know him when you worked at the War Manpower Commission?

Mr. COOK. I don't think so. I don't remember whether he was with the War Labor Board at that time or not. I remember cases that I handled in the War Labor Board.

Mr. ARENS. Did you know Philip Reno?

Mr. COOK. Not at that time.

Mr. ARENS. You met him later?

Mr. COOK. In view of certain circumstances I would assume that I would like to exercise my privilege under the provisions of the fifth amendment.

Mr. ARENS. Did you know Philip Reno?

The CHAIRMAN. Just a moment. And for that reason you decline to answer the question?

Mr. COOK. That is right; yes, sir.

Mr. ARENS. Did you know Philip Reno back in 1944? When I asked you that question a few moments ago you said something a little later. I didn't quite understand what you said.

Mr. COOK. I can't recall any specific time knowing him.

Mr. ARENS. How long were you with the War Manpower Commission?

Mr. COOK. I believe about a year and a half, about the middle of 1945, I think.

Mr. ARENS. All right, sir. Then what happened?

Mr. COOK. I resigned from the War Manpower Commission to resume employment with the trade-union movement and became the secretary of the Denver Trades and Labor Assembly, which is the city federation of the A. F. of L.

Mr. ARENS. Was your resignation completely voluntary?

Mr. COOK. That is right.

Mr. ARENS. How long did you occupy that post as secretary of the Denver Trade and Labor Assembly?

Mr. COOK. I think about a year and a half there.

Mr. ARENS. Was that an elective post?

Mr. COOK. Yes.

Mr. ARENS. You were elected secretary?

Mr. COOK. Yes; I was first appointed by the executive board in order to complete an unfinished term, and then elected.

Mr. ARENS. All right, sir. Tell us what happened next.

Mr. COOK. Subsequent to that I became a local representative for the combination of two unions, the State, County, and Municipal Employees Union——

Mr. ARENS. Was that the union that subsequently merged to become the United Public Workers under Abram Flaxer?

Mr. COOK. No; this is the A. F. of L.

Mr. ARENS. This is the competing union; is that correct?

Mr. COOK. I guess that is so.

Mr. ARENS. All right, sir.

Mr. Cook. It is the A. F. of L., of which Earl Danner is president.

Mr. Arens. What year was it that you became secretary of this State, County, and Municipal Employees organization?

Mr. Cook. That must have been 1946.

Mr. Arens. You had two jobs. What was the other one?

Mr. Cook. This was a shared job between the two organizations, the State, County, and Municipal Employees Union and the Office Employees Union.

Mr. Arens. Were they two separate organizations?

Mr. Cook. That is right.

Mr. Arens. You were secretary of both?

Mr. Cook. I wasn't secretary. I was just an employed representative. About the same as a business agent.

Mr. Arens. How long did you continue in that relationship?

Mr. Cook. A little more than a year, I believe.

Mr. Arens. That gets us up to 1947 or 1948; does it not?

Mr. Cook. Yes; in 1947 I was elected as a delegate to rewrite the charter for the city and county of Denver, and somewhere in that period, either during that period or immediately afterward, I severed connections with the two organizations.

Mr. Arens. Was it completely a voluntary severance?

Mr. Cook. Yes.

Mr. Arens. When you were elected a delegate to rewrite the charter of the city of Denver was that a full-time job?

Mr. Cook. Not completely. It is something like the legislation was, for 90 days.

Mr. Arens. How long did that last?

Mr. Cook. Ninety days, with an opportunity to do some of your union work before and after the sessions.

Mr. Arens. How many people besides yourself participated in rewriting the charter for Denver?

Mr. Cook. Twenty-one altogether.

Mr. Arens. You were one of the 21?

Mr. Cook. That is right.

Mr. Arens. Was the charter rewritten?

Mr. Cook. Yes.

Mr. Arens. You participated in that process?

Mr. Cook. That is right. But it was subsequently failed of adoption by the people. Our job was to rewrite it and then refer it to the people.

Mr. Arens. I understand.

Mr. Cook. They voted it down.

Mr. Arens. Then what happened after you completed this work on the charter or the proposed charter?

Mr. Cook. I might say that as a result of my work with the State, county, and municipal employees and political contacts during that time, I became acquainted with the then new administration that was elected. Consequently, when this charter convention report was over and my other job was terminated, I then applied for employment with the city and county of Denver.

Mr. Arens. Did you procure that employment?

Mr. Cook. Yes.

Mr. Arens. In what capacity?

Mr. Cook. I worked in the assessor's office for some time and in the bicycle bureau for some time.

Mr. Arens. That would be about 1948 or 1949?

Mr. Cook. About the middle of 1948, I guess.

Mr. Arens. Then what happened after that?

Mr. Cook. Then I went to work for the Progressive Party. That was the campaign year.

Mr. Arens. Excuse me just a moment, please. Was your disassociation from the city administration completely involuntary?

Mr. Cook. Involuntary?

Mr. Arens. Completely voluntary?

Mr. Cook. Yes.

Mr. Arens. You weren't fired. You just had a better opportunity, you thought, economically.

Mr. Cook. That is right.

Mr. Arens. You then went to work for the Progressive Party?

Mr. Cook. That is right.

Mr. Arens. Do you recall when you began that?

Mr. Cook. I don't recall the exact time or the month.

Mr. Arens. Would it be perhaps in 1949?

Mr. Cook. No; this was before the election. The election was in 1948.

Mr. Arens. It would be some time, then, in the middle of 1948. Would that be your best recollection?

Mr. Cook. Yes.

Mr. Arens. In what capacity did you serve in the Progressive Party?

Mr. Cook. It was a sort of coordinating job. I think I was the secretary, maybe executive secretary.

Mr. Arens. Who employed you?

Mr. Cook. It was just a general agreement of the executive board.

Mr. Arens. Who was on the executive board who had this general agreement to employ you?

Mr. Cook. Visiting here yesterday I have tried to recall some of the people who were on it at that time and for the life of me I can't. I remember, I think, Mr. Rinn was chairman.

Mr. Arens. Do you remember his full name?

Mr. Cook. Mike Rinn.

Mr. Arens. How does he spell it?

Mr. Cook. R-i-n-n.

Mr. Arens. He was, you think, chairman of the executive board?

Mr. Cook. Yes. He was chairman.

Mr. Arens. Did you know him prior to the time that you assumed this job with the Progressive Party?

Mr. Cook. I had been on the board myself and I had known him to that extent.

Mr. Arens. How long did you serve with the Progressive Party as secretary or executive secretary?

Mr. Cook. It wasn't very long.

Mr. Arens. Just through the campaign?

Mr. Cook. Shortly after the campaign. I would say at the maximum the first of the year or maybe less than that.

Mr. ARENS. How many people in official capacity were identified with the Progressive Party in the Denver area where you served as executive secretary?

Mr. MILLS. What do you mean by official capacity?

Mr. ARENS. How many people besides yourself were either an official or an employee of the party here?

Mr. COOK. Paid employees?

Mr. ARENS. First of all, how many paid employees.

Mr. COOK. As far as I know, I was the only one.

Mr. ARENS. How many officials of the party were here?

Mr. COOK. I think it was just about the normal type of organization with a chairman and vice chairman and secretary and a number of members of the board. As I say, I just don't recall.

Mr. ARENS. Did you have precinct workers?

Mr. MILLS. May I inquire are you talking about the national organization or the State and local organization?

Mr. ARENS. I am talking about the organization by which he was employed. Were there workers with credentials?

Mr. COOK. Mine was primarily the State organization. Most of the precinct work and that type of thing was under a separate city organization.

Mr. ARENS. Tell us now what you did after you completed this assignment with the Progressive Party.

Mr. COOK. I went to work in a broom factory.

Mr. ARENS. In what capacity?

Mr. COOK. Because of my machinist experience I helped to set up quite a bit of machinery. They were converting from a sort of hand operation to mechanized operation, and I helped to set up the machinery. I worked in that capacity for a while, and then later became supervisor in charge of the plant.

Mr. ARENS. How long were you with the broom factory?

Mr. COOK. Up until the time I went with the International Union of Mine, Mill, and Smelter Workers.

Mr. ARENS. You began there when, again, please, sir? In 1951?

Mr. COOK. 1951.

Mr. ARENS. Who procured your job with mine-mill for you?

Mr. COOK. Well, as I say, I had known many of these people, and the previous year I believe they had a convention here and I had met some of them and learned that later either by convention action or whatever authorized it, they had agreed to move back to Denver. Since I was not in too good health, and this job was pretty rough, and also the possibility that I might make more money, I applied to the office manager, I believe it was.

Mr. ARENS. Were some of these people whom you knew in mine-mill also active in the Progressive Party?

Mr. COOK. They weren't here at that time. They were in Chicago.

Mr. ARENS. Have you been active in the Colorado Legislative Council?

Mr. COOK. What? I don't recall the name.

Mr. ARENS. Have you also been known by the name of Rudy Cook? Do people call you Rudy?

Mr. COOK. That is right.

Mr. ARENS. For the purpose of refreshing your recollection I lay before you a document which I shall mark, for identification only,

"Cook Exhibit No. 1." It is a photostatic copy of a newspaper item respecting the formation of an organization known as the Colorado Legislative Council. In the course of this article appears the following:

> Heading the organization is Leslie Morlan, of the Leadville, Colo., mine group; Charles McKenna, international representative for the Colorado Mine, Mill, and Smelter Workers Union; Rudy Cook, former Wallace party official, and several others.

Would you glance at that article, please, Mr. Cook, and see if it refreshes your recollection as to any participation you may have had in the organization alluded to in the article?

(The witness conferred with his counsel.)

Mr. ARENS. Does that refresh your recollection, Mr. Cook?

Mr. MILLS. Give us just a second, please.

Mr. COOK. In view of the content of this article, I must decline to answer on the basis of my privilege under the fifth amendment.

Mr. ARENS. What is there about the article that causes you to have this apprehension?

Mr. COOK. I decline to answer the question, sir, under my privilege under the fifth amendment.

Mr. ARENS. Were you a member of the Colorado Legislative Council?

Mr. COOK. I decline to answer that, sir, under the privilege.

Mr. ARENS. Do you honestly fear if you told this committee whether or not you were a member of the Colorado Legislative Council you would be supplying information which might be used against you in a criminal proceeding?

Mr. COOK. I decline to answer that question under the privilege.

Mr. ARENS. I suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. COOK. I decline respectfully, sir, under the provisions of the fifth amendment.

Mr. ARENS. Mr. Cook, look over here to your left. Will you please stand up, Mr. Duran? Look this man in the face, please, sir, and tell us whether you have ever seen him before.

Mr. COOK. I have seen his picture.

Mr. ARENS. Where did you see his his picture?

Mr. COOK. Under the heading of Government stool pigeon in the paper.

The CHAIRMAN. You never saw that in the paper at all.

Mr. COOK. That is my interpretation.

The CHAIRMAN. You would be very proud if somebody would put that title on your name if you had done what this man has done.

Mr. ARENS. Perhaps you saw his picture in the mine-mill paper? Is that where you mean?

Mr. COOK. I saw it in the paper yesterday.

Mr. ARENS. What paper was it?

Mr. COOK. The Post, Denver Post.

Mr. ARENS. Did you see "stool pigeon" under his name?

Mr. COOK. Maybe I——

The CHAIRMAN. Did you see "stool pigeon"?

Mr. COOK. No.

The CHAIRMAN. You know you are under oath, don't you?

Mr. COOK. Yes, sir.

The CHAIRMAN. When you said you saw his name with "stool pigeon" under it, you knew you were lying, didn't you?

Mr. COOK. I think maybe the word was "informer."

The CHAIRMAN. All right.

Mr. COOK. I may have used the wrong name.

Mr. ARENS. Is that the only place you have seen this gentleman's picture?

Mr. COOK. I decline to answer the question under my privilege under the fifth amendment.

Mr. ARENS. Do you regard him as a stool pigeon?

Mr. COOK. I decline to answer the question on the same basis.

Mr. ARENS. This man served his country for several years as an undercover agent in the Communist conspiracy, which is designed to overthrow this Government by force and violence, designed to create political subversion in this Nation, designed to poison the minds of the people with a treacherous philosophy of life. In the course of that service he testified under oath before this committee that he knew you as a member of that treacherous conspiracy and as a member of the Communist Party. Look this man in the face now in front of these people before this committee and tell us whether or not he was lying or telling the truth.

Mr. COOK. I would say that the matter of his lying is strictly between him and the good Lord.

Mr. ARENS. Is that your answer to my question?

Mr. COOK. As far as the question, I will answer it by declining to answer it on the basis of my privilege.

Mr. ARENS. Was he lying when he said under oath before Almighty God that he knew you as a member of the Communist conspiracy?

Mr. COOK. I decline to answer the question under my privilege under the fifth amendment to the United States Constitution.

Mr. ARENS. Are you presently a member of the Communist Party?

Mr. COOK. I decline to answer that question under the same privilege.

Mr. ARENS. Are you presently a member and operator of this treacherous conspiracy?

Mr. COOK. I decline to answer the question under my privilege under the United States Constitution, the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you gave a truthful answer as to whether or not you have ever seen this man before, Mr. Duran, you would be supplying information which might be used against you in a criminal proceeding?

Mr. COOK. Could you put that in workingman's language?

Mr. ARENS. Let's just start over again. Have you ever seen this man, Mr. Duran, before?

Mr. COOK. I decline to answer the question under my privilege under the fifth amendment to the United States Constitution.

Mr. ARENS. Why?

Mr. COOK. I decline to answer the question.

Mr. ARENS. Do you feel if you told this committee now, under oath, whether or not you have ever seen Mr. Duran before in person, that you would be supplying information which might be used against you in a criminal proceeding?

Mr. COOK. I decline to answer the question.

Mr. ARENS. I suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. COOK. I respectfully decline, sir, as is my privilege under the fifth amendment to the United States Constitution.

Mr. ARENS. Mr. Chairman, I respectfully suggest that concludes the staff interrogation of this witness.

The CHAIRMAN. Any questions?

Mr. VELDE. No questions.

The CHAIRMAN. You are excused from further attendance under the subpena.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12 o'clock noon, the committee was recessed until 2 p. m. the same day.)

AFTERNOON SESSION—THURSDAY, MAY 17, 1956

(Members of the committee present: Representative Walter.)

The CHAIRMAN. The committee will be in order.

Call your next witness.

Mr. ARENS. Mr. Harold Page Martin.

Please remain standing while the chairman administers an oath to you, Mr. Martin.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MARTIN. I do.

TESTIMONY OF HAROLD PAGE MARTIN

Mr. ARENS. Please identify yourself by name, residence and occupation.

Mr. MARTIN. My name is Harold Page Martin. I live in Pueblo, Colo. I am employed by the Colorado Fuel and Iron Corp.

Mr. ARENS. Where were you born, Mr. Martin?

Mr. MARTIN. I was born in Boulder, Colo.

Mr. ARENS. When?

Mr. MARTIN. July 29, 1923.

Mr. ARENS. Are you appearing today in response to subpena which was served upon you by the House Committee on Un-American Activities?

Mr. MARTIN. Yes.

Mr. ARENS. Give us, if you please, a brief sketch of your early life up until the time you became self-sufficient, a word about your education, please, first.

Mr. MARTIN. I attended grade school, junior high, and high school in Boulder, Colo. I attended 2 years at the University of Colorado. I spent 3 years in the armed services in the Army. Following that I attended 4 more years under the GI bill of rights at the University of Colorado. Upon receiving my master's degree in 1949 I went into education.

Mr. ARENS. Then what did you do after you received your master's degree in 1949?

Mr. MARTIN. I taught school for 5 years, high school in different parts of the country.

Mr. ARENS. All right, sir, for how long did you do that?

Mr. MARTIN. For 5 years.

Mr. ARENS. Then what did you do?

Mr. MARTIN. My last teaching job was in Pueblo County High School, Pueblo, Colo. Upon leaving there I took my present employment.

Mr. ARENS. Mr. Martin, have you ever been a member of the Communist Party?

Mr. MARTIN. Yes; I have.

Mr. ARENS. Will you tell us first of all when you joined the Communist Party, just the date?

Mr. MARTIN. I joined the Young Communist League in June of 1942.

Mr. ARENS. Then when did your association with the Communist Party end?

Mr. MARTIN. In the late winter of 1949.

Mr. ARENS. Tell us, if you please, the circumstances surrounding your joining of the Young Communist League in 1942. Where was that and how did you happen to join it?

Mr. MARTIN. In my last year of high school, Boulder High School, I became interested in the general subject of socialism, and read a number of books on the subject. At the same time I became acquainted with several other people, several of them high school students, and others students at the university, who were interested in the same subject, and who I became aware at a later date were already members of the Young Communist League.

Through association with these individuals over a period of about a year and in discussions with them I finally determined to join the Young Communist League myself. I was invited to do so, as I said, in June of 1942.

Mr. ARENS. Can you tell us the branch of the Young Communist League with which you were identified?

Mr. MARTIN. That was a branch at the University of Colorado. I believe it was named the Allen Merrick Branch.

Mr. ARENS. Did you hold any post in that organization?

Mr. MARTIN. No; I did not. At one time I signed a letter to the Silver and Gold, the student newspaper, signing my name as chairman of the branch of the Young Communist League. However, this was done because the actual chairman at that time was an individual who the group felt should not reveal himself. I was not actually chairman at that time.

Mr. ARENS. Will you give us the names of other persons who were known by you to have been members of the Young Communist League?

Mr. MARTIN. At the time I was a member of the Young Communist League I recall some of the most active members to have been Richard Aspinwall, Glen Fisher, Kurt Benster.

Mr. ARENS. B-e-n-s-t-e-r?

Mr. MARTIN. Yes.

Mr. ARENS. And Kurt is K-u-r-t?

Mr. MARTIN. Yes. And Kenneth Mundt.

Mr. ARENS. M-u-n-d-t?

Mr. MARTIN. Yes. Fay Berman, Jean Harbert.

Mr. ARENS. Jean what?

Mr. MARTIN. Harbert, H-a-r-b-e-r-t.

Mr. ARENS. Is that a man or a woman?

Mr. MARTIN. That is a woman. Gene Garfinkel.

Mr. ARENS. Eugene Garfinkel?

Mr. MARTIN. Eugene, yes.

Mr. ARENS. Were these the principal people in the Young Communist League when you were a member?

Mr. MARTIN. Those are all that I can recall at present who were members then.

Mr. ARENS. Were there also branches of the Young Communist League at other schools in this area to your knowledge?

Mr. MARTIN. During the time that I was in the league I was not aware of other branches in the area, no.

Mr. ARENS. Or was there a cutout system or security system which precluded you from knowing about other schools?

Mr. MARTIN. No, not particularly.

Mr. ARENS. That was back in 1942?

Mr. MARTIN. Yes. I think it's likely that there were not branches at other schools at that particular time.

Mr. ARENS. Can you tell us what the Young Communist League did when you were a member, some of its activities?

Mr. MARTIN. Its activities were mainly in the form of education and discussion. That was during the war, of course. As I recall, the main activity of a political nature was in working publicly on the campus for the idea of aid to the Soviet Union and friendship with Russia, aid to Russia campaign, opening the second front, that type of activity.

Mr. ARENS. How long were you in the Young Communist League?

Mr. MARTIN. From June of 1942 until March of 1943, when I went into the Army.

Mr. ARENS. How long were you in the Army?

Mr. MARTIN. 3 years.

Mr. ARENS. Then upon your return from the Army what did you do from the standpoint of Communist Party activities?

Mr. MARTIN. Shortly, a few months after returning from the Army, I joined the local branch of the Communist Party. During that time the Young Communist League had been dissolved. It was no longer in existence.

Mr. ARENS. What local branch did you join?

Mr. MARTIN. I was first assigned to a group known as the Town Branch.

Mr. ARENS. Where?

Mr. MARTIN. In the Boulder community, near and around the University of Colorado.

Mr. ARENS. Can you give us the names of the principal people who were active in the Town Branch of the Communist Party at Boulder, Colo.?

Mr. MARTIN. As I recall, the branch was small at that time. The members who I recall are Mrs. Florence Dittmer——

Mr. ARENS. D-i-t-t-m-e-r?

Mr. MARTIN. Yes. Sally Folawn.

Mr. ARENS. F-o-l-a-w-n?

Mr. MARTIN. Yes. James Boratgis.

Mr. ARENS. Spell "Boratgis."

Mr. MARTIN. B-o-r-a-t-g-i-s. Joe Scherrer.

Mr. ARENS. Spell "Scherrer."

Mr. MARTIN. S-c-h-e-r-r-e-r, I believe.

(Representative Velde entered the hearing room.)

Mr. ARENS. Was there a Marjorie Zeiger also connected with that branch?

Mr. MARTIN. Yes; Marjorie Zeiger I believe the name was.

Mr. ARENS. Z-e-i-g-e-r?

Mr. MARTIN. I believe it is Z-e-i-g-e-r.

Mr. ARENS. What were your assignments? What did you do in the town branch of the Communist Party of Boulder, Colo.?

Mr. MARTIN. I was only in the Town Branch a very short time. The main activity of the Town Branch at that time, as it was with most of the other branches, was the sponsorship and spreading of a publication, a newspaper, known as Challenge. Members of the group took the newspaper Challenge and went around the community of Boulder door to door, especially in the student sections, and also to outlying communities such as Louisville, Lafayette, Coal Camp, and even up around the northern part of the State, Greeley. That is the only major activity that I recall during the time that I was in that branch.

Mr. ARENS. Did you have knowledge of the existence of other branches of the Communist Party in Boulder while you were a member of the Town Branch?

Mr. MARTIN. Yes; I did.

Mr. ARENS. What other branches were in existence to your knowledge?

Mr. MARTIN. There were three branches in Boulder at that time. The Town Branch, the Student Branch, and a group known as the Graduate Branch.

Mr. ARENS. Do you know who were in the other two branches?

Mr. MARTIN. I did not at that time. I became aware of it at a later date.

Mr. ARENS. Were you at any time a member of either the Student or the Graduate Branch?

Mr. MARTIN. I was never a member of the Graduate Branch. Very shortly after joining the party I was transferred to the Student Branch and I was a member of that branch from that time until leaving the party in 1949.

Mr. ARENS. Who else was in the Student Branch of the Communist Party besides yourself?

Mr. MARTIN. The membership of the Student Branch was constantly changing as new students appeared and others left school. There was a constant flux. Among those who were most active during that period were Jerry and Judy Goodman, Leonard Perlmutter, Gene Deikman, Joseph Scherrer.

Mr. ARENS. Is that Eugene Deikman?

Mr. MARTIN. Yes. Stan Smith, David Bramhall, Shirley Bramhall.

Mr. ARENS. Husband and wife?

Mr. MARTIN. Yes. Eileen Sasajima.

Mr. ARENS. Spell that, please.

Mr. MARTIN. S-a-s-a-j-i-m-a, I believe.

Kenneth Kripke.

Mr. ARENS. How do you spell "Kripke"?

Mr. MARTIN. K-r-i-p-k-e, I think.

Mr. ARENS. These are people known by you to have been members of the Communist Party in this branch?

Mr. MARTIN. Yes, in the Student Branch over a period of time. There are a good many others. The Student Branch averaged in membership between I would say 30 and 50 during months of that period, with the group continually changing.

Mr. ARENS. That is the Student Branch just within one section of the Boulder area; is that correct?

Mr. MARTIN. Yes, the Student Branch.

Mr. ARENS. At Boulder.

Mr. MARTIN. Yes. I am afraid it would take me a considerable amount of time to recall all of them.

Mr. ARENS. Have you covered the principal people in the Student Branch?

Mr. MARTIN. Yes.

Mr. ARENS. Did you have occasion during the course of your membership in the Communist Party to ascertain the personnel of the State board of the party?

Mr. MARTIN. Yes, I did. I was elected to the State board.

Mr. ARENS. When?

Mr. MARTIN. At the convention of the Communist Party in 1948, in the summer of 1948, held in Denver.

Mr. ARENS. Who were the other members of the State board of the Communist Party?

Mr. MARTIN. The other members were Arthur Bary, the chairman, Patricia Blau, Harold Zepelin, Tracy Rogers, Charles Gwynn.

Mr. ARENS. Would you spell that last name for us so we are sure we have that accurately?

Mr. MARTIN. G-w-y-n-n, I think.

Mr. ARENS. His first name?

Mr. MARTIN. Charles.

Mr. ARENS. Was Robert Trujillo on that board too?

Mr. MARTIN. He was a member of the State board previously. I don't believe he was following these elections. There was one other member from Denver whose name I am trying to recall. I can't think of his name.

Mr. ARENS. Did you ever hold a post on a Youth Commission of the Communist Party?

Mr. MARTIN. Yes, I did.

Mr. ARENS. First of all, tell us what the Youth Commission of the Communist Party was and what it did.

Mr. MARTIN. The Youth Commission was a commission authorized by the State board, made up of representatives of the party who were primarily engaged in youth work, either youth groups in the community or in college groups, which would meet and following under the direction of the State board would carry out the policy of the board in laying definite plans in designing projects for the youth groups to carry through.

Mr. ARENS. Who else was on the Youth Commission when you were on it?

Mr. MARTIN. Harold Zepelin was chairman of the Youth Commission. Other members were Jerry Goodman and myself, and Arnold Berkens of the University of Denver, a girl whose name I can't recall, Larry Small representing youth work for the party in the Denver community.

Others attended from time to time, but I believe that was the regular membership.

Mr. ARENS. Do you have a recollection of a State convention of the Communist Party held in 1947 in Denver at the home of Edward Bronstein?

Mr. MARTIN. Yes, I have. I was thinking it was in 1948, the summer of 1948.

Mr. ARENS. Whether it was in the summer?

Mr. MARTIN. Yes; I recall the State convention.

Mr. ARENS. Can you tell us who were the principal participants in the State convention of the Communist Party?

Mr. MARTIN. The convention was chaired by Arthur Bary as the district organizer of the party. The national committee of the Communist Party was represented by Sid Stein, who gave what might be termed the keynote address. There was a large attendance at the convention. Almost all those delegates were active in party leadership.

Mr. ARENS. What was the line of the Communist Party announced at that State convention from the standpoint of concentrating members in basic industry?

Mr. MARTIN. The party at that time was developing the line of what was known as the concentration policy; that is, concentrating party members in areas in certain basic industries.

Mr. ARENS. Why?

Mr. MARTIN. There was a feeling that by concentrating the party forces and party members and party energies in a certain few large industries where the larger number of workers would be present, that party propaganda would be more successful and the recruiting and general building of the party would be carried on more effectively.

Mr. ARENS. What did the party do from the standpoint of causing the students to find themselves in basic industries or to locate themselves in basic industry?

Mr. MARTIN. The party leadership locally felt at that time following out the line of concentrating party members in industry that all students who could be persuaded to do so and who were considered sufficiently politically developed and able to do so, should leave school and go into industry of some kind or other.

Mr. ARENS. Were they required to do so?

Mr. MARTIN. They were not exactly required, but those students who the party felt had the capability and had sufficient training and indoctrination really to be effective as party organizers in industry were very strongly urged to do so, so strongly that it was practically a requirement.

Mr. ARENS. What were some of the activities of the young Communists under the direction of the Youth Commission of the Communist Party? What did they do?

Mr. MARTIN. The main goal, of course, of the youth groups within the Communist Party, as of the whole party, was building the party itself. In order to do this it was necessary to come into contact with as many young people as possible. In order to carry out this plan it was necessary to find young people in large groups, either in organizations which were already existing in which young people were active or else by starting organizations which would draw the interest of young people.

Mr. ARENS. What did the party do from the standpoint of trying to capture or in capturing existing organizations?

Mr. MARTIN. The party branch, as for example the Student Branch, would discuss various organizations and if it was decided to enter an organization certain party members would be assigned permanently to that organization. They would attend the meetings of the organization legally. The party branch would meet and decide ahead of time what part they were to take in that organization, what role they were to play, and at each branch meeting the party members assigned to the organization would report on recent meetings, the success of their activities, particularly as to other young people they had come in contact with, possible recruits they had met, and the general success of their activity.

Mr. ARENS. Did you know members of the graduate group in this cell that you were telling us about a little while ago?

Mr. MARTIN. Yes; I did. As chairman of the party at Boulder I became aware of the entire membership.

Mr. ARENS. Tell us the principal members of the Graduate Branch.

Mr. MARTIN. The graduate group was always a small one. Principally their members were Dr. Irving Goodman and his wife.

Mr. ARENS. Identify him further, please, sir.

Mr. MARTIN. He was a professor in the chemistry department of the university.

Mr. ARENS. Do you know where he is now?

Mr. MARTIN. I am not sure.

Mr. ARENS. Do you have another name?

Mr. MARTIN. Morris Judd and his wife.

Mr. ARENS. Identify him, please.

Mr. MARTIN. He was an instructor in the department of philosophy.

Mr. ARENS. Do you know where he is now?

Mr. MARTIN. No; I do not.

Mr. ARENS. Was he a Communist?

Mr. MARTIN. Yes; he was.

Mr. ARENS. Who was the gentleman whose name you gave just prior to Dr. Judd? Was he a Communist?

Mr. MARTIN. Yes; he was.

Mr. VELDE. May I ask how you know that he was a Communist?

Mr. MARTIN. At the time of which I speak I held the position of chairman of the Boulder Section Committee; in other words, chairman of the entire party in Boulder, at which time the collection of dues, keeping track of the entire membership of all the branches in the area, was my responsibility. While it is true that the membership of one branch was carefully guarded from another during this time for security reasons, I was one of the few people who would be aware at this time of the entire membership.

Mr. ARENS. Can you tell us some names of other principal people who were members of the Graduate Branch of the Communist Party?

Mr. MARTIN. I believe Jack Fox and his wife, Ruth, were members of the graduate group at that time.

Mr. ARENS. Could you identify them further for us?

Mr. MARTIN. Jack Fox was an assistant in the chemistry department.

Mr. ARENS. Do you know where he is now?

Mr. MARTIN. No; I do not.

Mr. ARENS. Was he to your certain knowledge a member of the Communist Party?

Mr. MARTIN. Yes; he was.

Mr. ARENS. Are there any others whose names you can recount to us?

Mr. MARTIN. Kenneth Mundt and his wife.

Mr. ARENS. Identify him further for us, please, sir.

Mr. MARTIN. His wife held a position in the library at the university.

Mr. ARENS. Is she there now?

Mr. MARTIN. I don't know. Kenneth Mundt was not directly connected with the university faculty.

Mr. ARENS. All right, sir, are there any others whose names occur to you?

Mr. MARTIN. Those are all that I recall in that branch.

Mr. ARENS. What organizations did the party create as distinct from the organizations that they moved into to try to capture or control or direct; among youth I am speaking of, of course?

Mr. MARTIN. The party created the organization known as AYD or American Youth for Democracy.

Mr. ARENS. Where was that created so far as you know?

Mr. MARTIN. As far as I know it was a decision of the national committee.

Mr. ARENS. I mean, was there a chapter at the University of Colorado?

Mr. MARTIN. Yes; there was. It was decided upon by the State board and carried out by the Youth Commission that AYD chapters should be established at Boulder and at Denver University if possible, and also in the Denver community.

Mr. ARENS. And was that done?

Mr. MARTIN. Yes; it was.

Mr. ARENS. What was the membership of the AYD at the University of Colorado?

Mr. MARTIN. Oh, I would guess at one time maybe about 75.

Mr. ARENS. Not all 75 were members of the Communist Party, were they?

Mr. MARTIN. No; certainly not.

Mr. ARENS. How many of the 75 would you say were members of the party?

Mr. MARTIN. I would say varying between perhaps 25 and 30.

Mr. ARENS. Were there AYD chapters elsewhere in the State to your knowledge besides the University of Colorado?

Mr. MARTIN. There was one in the community of Denver and there was an attempt to establish one at Denver University. It was never officially sanctioned, but I believe it did meet off the campus as a sort of unofficial group.

Mr. ARENS. What was the total membership of AYD in the State to your knowledge?

Mr. MARTIN. I am afraid I couldn't give an estimate.

Mr. ARENS. Are there any other organizations that the Communist Party created for youth, youth groups?

Mr. MARTIN. The party played a very major role in the creation of the Young Progressives, the youth or younger generation of the Progressive Party. I wouldn't say the party created the group, but it was one of the major factors.

Mr. ARENS. Did the Communist Party control the group?

Mr. MARTIN. Locally, yes; it did.

Mr. ARENS. How many were in the group?

Mr. MARTIN. The group started originally at the university at Boulder as the Students for Wallace Club, and that group was started locally by the Communist Party. Later it affiliated with the Progressive Party and became the Young Progressives. At the high point of the party campaign in the summer of 1948 and early fall, it may have had a couple of hundred membership.

Mr. ARENS. Mr. Martin, you were ideologically identified with the party, were you not?

Mr. MARTIN. Yes; I was.

Mr. ARENS. You were a true Communist, were you not, that is, a conscientious member of the party, were you not?

Mr. MARTIN. That is true.

Mr. ARENS. You eventually broke with the party, did you not?

Mr. MARTIN. Yes; I did.

Mr. ARENS. Tell us first of all what makes a Communist? Why did you join the Communist Party?

Mr. MARTIN. That is a difficult question. People join the party for many reasons. One certainly was a kind of intellectual curiosity and a genuine desire to do something about the many things that are troubling us in the world today. Partly it was a social contact. The way I was recruited into the party was the way almost everyone else was recruited, following a regular policy of every party member getting to know other people personally, working with them, talking with them, discussing things with them, convincing them through personal contact.

Mr. ARENS. Is communism a disease of the heart or of the head in your judgment?

Mr. MARTIN. I believe it is a disease of the head.

Mr. ARENS. Why?

Mr. MARTIN. I think that the heart is in the right place, there is a desire to do something about the ills of the world. It is a mistaken path, a kind of intellectual egotism, I believe. The idea that a small group can hold the key to the answer to the whole thing within a small formula.

Mr. ARENS. It is based on a materialistic philosophy of life?

Mr. MARTIN. Yes; it is.

Mr. ARENS. To what extent does the Communist Party use as a facade for its operations the great humanitarian issues such as peace, brotherhood, and that sort of thing?

Mr. MARTIN. The Communist Party uses every issue imaginable, large, or small, that they feel will appeal to people at a particular time, that will draw people forward. The party always desires to have people in groups, the larger the groups the better, because in these groups they can reach them, influence them, work with them, recruit them, or at least mold them to their own ends.

Mr. ARENS. What caused you to break with the Communist Party?

Mr. MARTIN. More than anything else the concept the party calls and refers to as democratic centralism. The concept of strict, absolute authoritarianism. It is something that the beginning recruit in the party does not see very clearly. It does not manifest itself so clearly within the branches throughout the membership of the party as a whole.

As one climbs higher in the party into higher and higher levels of activity it becomes more and more pronounced until it becomes clear that as you get up to the highest levels, the dedicated Communist, the genuine bolshevik, regards himself and is regarded by the party simply as an instrument for carrying out party decisions and party activities, with any other considerations, personal or otherwise, entirely subjected.

Mr. ARENS. The party as you said masquerades behind a facade of great humanitarian principles and ideologies. To what extent does the party itself practice the respect for human personality of the individual comrade?

Mr. MARTIN. I would say very little within its own organization.

Mr. ARENS. Did the Communist Party have any effect on your particular personal life? Do you have any illustrations from your own experiences in the party?

Mr. MARTIN. Yes; I have. At the time I left the party at a time when they were carrying out this concentration policy to the fullest possible extent, students with a great deal of talent and ability and intellect were being taken from school and sent into industries or sent out as truck drivers or mill workers or workers in the mines. I saw families broken up, homes uprooted, party members sent here and there, to different parts of the country on a moment's notice.

In my own personal case I would say the deciding factor was a personal situation. My wife developed a very serious illness. At that time I had a great deal of party responsibility. I was a member of the State board, chairman of the Boulder Section Committee. I requested from the State board that I be relieved of a great many of my duties in order to meet the situation, that is, my wife's illness. It was suggested to me in no uncertain terms that a real party member cannot allow such personal considerations to interfere with his party work and party assignments.

In a situation of that kind it would be much better to leave the personal situation, get out of it, in other words, get a divorce, leave any considerations of wife or children or family or other personal considerations, in order to continue to carry out my party functions.

This to me brought home more clearly than anything else, I think, the example of other things I could see going on throughout the party on a higher level all the time, namely, that the higher level party functionary is in reality and is expected by the party to be simply a tool, an instrument of party policy, party decisions. He may be told to travel here, to travel there, to live in this place, to work in that place. He has no personal life whatsoever. I could not see continuing in an organization of that kind, much less seeing an organization of that kind controlling the country.

Mr. ARENS. On the basis of your experience, does the Communist Party of the United States seek to overthrow the Government of this country by force and violence?

Mr. MARTIN. I believe very sincerely that it does; yes.

Mr. ARENS. Is the Communist Party of the United States allied with the international Communist conspiratorial apparatus?

Mr. MARTIN. Yes; it is.

Mr. ARENS. What is the relationship?

Mr. MARTIN. There is no direct tieup, official tieup at the present time between the American Communist Party and those of other countries.

Mr. ARENS. You mean technically?

Mr. MARTIN. Technically, yes. However, it is taught from the very beginning in Communist education that Communists have a bond throughout the world, particularly an allegiance to the Soviet Union as the founder of communism. One of the primary requirements of a Communist is to be prepared to defend the Soviet Union at all times. This was taught in the Student Branch. We were prepared at all meetings or lectures or classrooms and were expected to stand up and defend the Soviet Union at any time it was attacked.

Mr. ARENS. What does communism do to the human soul, the human personality?

Mr. MARTIN. I would say that it more or less imprisons it in a little box, so that any one who falls into that type of thinking is imprisoned intellectually. He is almost unable to see outside or to see any normal or objective viewpoint.

Mr. ARENS. Are there any other observations you would like to make, for this committee, Mr. Martin? Any items of information that you feel are important to be brought to the attention of the House Committee on Un-American Activities and by it to the American people, on the basis of your rather limited and yet somewhat extensive experience in the Communist Party?

Mr. MARTIN. I can think of nothing in particular. I would like just to point out the extreme danger which has always existed and exists even at the present time, the danger of a very small group of people so thoroughly integrated and working together so completely and in complete secrecy within what in other respects may be a completely good, wholesome American organization.

Mr. ARENS. We have in this country the equivalent of an excess of a whole division of foreign controlled conspirators, do we not?

Mr. MARTIN. Yes. I have seen examples over and over again of organizations taken over, controlled completely by a very small number of people, with such a situation remaining completely unknown to the average membership. I feel that is a very dangerous situation to exist.

Mr. ARENS. Mr. Chairman, I suggest that concludes the staff interrogation of this witness.

The CHAIRMAN. Any questions?

Mr. VELDE. I have nothing in particular to ask, except that since I have been here and listened to your testimony, it is evident that you are a very capable and intelligent witness, and I think you have the situation well in hand. I was going to elaborate a little on the question which our very good counsel asked you about, the danger in numbers of the Communist Party, as to the danger of their strength other than numbers.

Could you elaborate a little more on that? I don't know whether you understand what I mean or not. Mr. Hoover of the FBI reported that there were less than, I believe, 22,000 Communists in the country today, whereas a few years ago we had more than 100,000 Communists. Do you think that the reduction in quantity in this country is a good omen as far as our progress in fighting Communists is concerned, or

do you feel that the increase in the quality of the Communists is a bad omen?

Mr. MARTIN. I feel it is a good omen, but I think that the strength of the party has never lain in its numbers and in quantity, but in two things—in the fact that it works absolutely as a unit under absolute discipline, and that it works in absolute secrecy.

Three people within an organization who know exactly what they are going to do and who is going to do it, and who are unknown to everyone else, can control that organization.

I feel that is where the danger lies, and not so much in the numbers.

Mr. VELDE. Did you get any idea while you were in the Communist Party that the party line was being distributed to the United States Communist Party through the New York Daily Worker or the Daily People's World?

Mr. MARTIN. Both these newspapers were regarded as official organs of the Communist Party.

Mr. VELDE. Of course, you were taught to abide by and believe in anything that those newspapers put out, I suppose.

Mr. MARTIN. Yes; that is true. Every member was expected to read the Worker and to buy it if possible, and to sell it to everyone he could, if possible.

Mr. VELDE. Do you have any other information as to how party line was distributed to American Communists from Soviet Russia?

Mr. MARTIN. No; I have no direct information on that point.

Mr. VELDE. I personally want to thank you for your very fine testimony. I appreciate the fact that you have done the American people a great service, and we are very proud of your testimony here.

The CHAIRMAN. I, too, want to congratulate you. It always has been a very distressing thing to me ever since I have found myself in this position, to see how few Americans have the courage to do what you have done. It is not an easy thing to do. It is lots easier to invoke the fifth amendment. But you have made a great contribution to the preservation of the very document that most of the witnesses who have appeared here have taken refuge behind.

I think the American people as a whole recognize that and feel a debt of gratitude to you. You are discharged from further attendance under the subpena.

Call your next witness.

Mr. ARENS. Mr. Harold Meier, M-e-i-e-r.

The CHAIRMAN. Will you raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MEIER. I do.

TESTIMONY OF HAROLD MEIER, ACCOMPANIED BY COUNSEL, CHARLES D. MONTFORT

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. MEIER. My name is Harold Meier. I live in Boulder, Colo. I am presently occupied on a part-time basis at the University of Colorado.

Mr. ARENS. In what capacity?

Mr. MEIER. I work at the group process laboratory in the psychology department.

Mr. ARENS. Are you an employee of the University of Colorado?

Mr. MEIER. That is right.

Mr. ARENS. Are you appearing today, Mr. Meier, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. MEIER. That is right.

Mr. ARENS. Are you represented by counsel?

Mr. MEIER. I am.

Mr. ARENS. Will counsel kindly identify himself?

Mr. MONTFORT. Charles D. Montfort, attorney at law, 611 E. & C. Building, Denver, Colo.

Mr. ARENS. Mr. Meier, where were you born and when?

Mr. MEIER. I was born in De Kalb County, Ill., July 28, 1926.

Mr. ARENS. A word, please, sir, about your education.

Mr. MEIER. I attended several grammar schools in De Kalb County, Ill., also 3 years of high school in 2 high schools in that same county. I quit high school after the third year and on the day after I became 17 years of age I enlisted in the United States Navy, in 1943.

I served 4 years, including combat duty in the Pacific in the United States Navy. I was discharged July 20, 1947.

Mr. ARENS. All right, continue from there, if you please, sir, in the chronology of your life. What did you do then?

Mr. MEIER. After being honorably discharged from the Navy I took advantage of the GI bill of rights and I enrolled in the Northern Illinois State Teachers College in De Kalb County, and I attended that college for I think 2 years, after which time I transferred to the University of Colorado where I completed my undergraduate education and received a bachelor of arts degree in August of 1951.

I then entered graduate school at that same university. Through the remainder of 1951, 1952—incidentally, I was not a professor anywhere during those years—1953 and 1954 and up to June 1955 when I received my master of arts degree.

The CHAIRMAN. What is the size of the student body at the University of Colorado?

Mr. MEIER. Offhand I would guess around between seven and eight thousand.

Mr. ARENS. You received your master's degree in 1955?

Mr. MEIER. That is right.

Mr. ARENS. In what subjects?

Mr. MEIER. In sociology.

Mr. ARENS. What month in 1955 did you receive your degree?

Mr. MEIER. June.

Mr. ARENS. About a year ago?

Mr. MEIER. Yes, about a year ago.

Mr. ARENS. What have you done in the last year?

Mr. MEIER. My plans were uncertain after graduation as to whether I could go on to graduate school or find permanent work or employment. I have been vacillating between those ever since, so I haven't had any regular job since that time. I have had some casual employment. Do you want me to list the casual employments?

Mr. ARENS. I was under the impression that you said you were teaching at the University of Colorado. Am I in error in interpreting your testimony?

Mr. MEIER. I said nothing about teaching.

Mr. ARENS. What do you do at the University of Colorado?

Mr. MEIER. I work in the group process laboratory in the Psychology Department. What I do there is to assist in conducting social psychological experiments and tabulate data and various kinds of clerical work around the laboratory office.

Mr. ARENS. You receive pay for that from the university?

Mr. MEIER. I work on an hourly basis. I receive pay.

Mr. ARENS. Who is your immediate superior?

Mr. MEIER. My immediate superior is Prof. Jack Gibb.

Mr. ARENS. How do you spell that, please?

Mr. MEIER. G-i-b-b.

Mr. ARENS. Is he the person who actually engaged you?

Mr. MEIER. Not exactly, because I was hired while he was on a trip, so I was actually hired by his secretary, a Mrs. Helen Alexander.

Mr. ARENS. Could you tell us just a word, not a scientific exposition, but a word about these experiments which you are conducting.

Mr. MEIER. They have to do with experiments on group perception. You get people together in small groups and test their perception of various kinds of situations, test their reactions to various kinds of stimuli.

Mr. ARENS. Are you a member of the Communist Party?

Mr. MEIER. I decline to answer that question.

Mr. ARENS. Why?

Mr. MEIER. I have several reasons why, and I wish to state them. In the first place, the law under which this committee's activities are authorized is in clear violation of the first amendment.

Mr. ARENS. What amendment is that?

Mr. MEIER. The amendment that says that Congress shall make no law abridging freedom of speech.

Mr. ARENS. Do you feel that by this committee's interrogating citizens with respect to knowledge they may have of a conspiracy in this country it is violating the first amendment to the Constitution?

Mr. MEIER. As I understand it, the law which authorized this committee authorized it to investigate propaganda, and propaganda is the press and speech. Therefore, I regard it as in clear violation of the first amendment.

The CHAIRMAN. You don't agree with the Supreme Court, then; do you?

Mr. MEIER. I am not legally equipped to answer that.

The CHAIRMAN. That is obvious. Proceed.

Mr. MEIER. The second reason——

Mr. ARENS. You are reading all this from some notes you made there?

Mr. MEIER. I have some notes. I am not reading it.

Mr. ARENS. You may place those notes before you, please. Who prepared the notes from which you are now reciting?

Mr. MEIER. I prepared them.

Mr. ARENS. Proceed.

Mr. MEIER. I am not reciting from these notes. These are reminders.

Mr. ARENS. All right, sir. Proceed, if you please.

Mr. MEIER Also, in view of the first amendment, I don't believe that you have the right to ask questions concerning associations, assemblies, and political beliefs, and I decline to answer on those grounds.

The third ground on which I decline to answer is that this committee did not provide me with any advance information at all specifying the purpose, subject, and scope of the hearing or inquiry for which my testimony was commanded.

Mr. ARENS. You had a pretty good idea what we were going to ask you about; did you not; really?

Mr. MEIER. I was not informed, and therefore I don't believe you have the right to inquire into my private affairs on that ground.

Another ground is that I have been attending these hearings the last few days and it has come to my attention that I have been put in the position of an accused person, and in view of that and in view of the fact that the committee does not respect due process, which I regard as elementary fair play, I decline to answer on those grounds.

The fifth ground is, consistent with the position of innocence, I cannot be compelled to be a witness against myself.

The CHAIRMAN. You are not charged with anything. This is not a trial. You are not under indictment. We are conducting an inquiry in accordance with instructions given to this committee by the Congress of the United States.

Mr. ARENS. Are you now a member of an organization designed to destroy the Constitution of the United States?

(The witness conferred with his counsel.)

Mr. MEIER. I decline to answer that on the grounds that I have already given.

Mr. ARENS. I understood you to say something about your innocence a moment ago. Are you innocent of membership in a conspiratorial apparatus?

(The witness conferred with his counsel.)

Mr. MEIER. You put words in my mouth, in the first place.

Mr. ARENS. Just answer that question. Are you innocent of membership in a conspiratorial apparatus?

Mr. MEIER. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Duran, will you stand up, please.

Mr. Meier, so there can be no question in your case of the faintest suspicion of faceless informers, as sometimes is alleged, would you look at the face of the gentleman standing to my right there in the blue suit, Mr. Bellarmino Duran, and tell us whether you know that man?

(The witness conferred with his counsel.)

Mr. MONTFORT. Mr. Chairman, may we at this time have the opportunity of cross-examining Mr. Duran?

The CHAIRMAN. This is not a trial. This is a congressional inquiry. We are merely asking the witness the question if he ever has seen this man before.

Mr. MONTFORT. Yes, sir; I appreciate that.

The CHAIRMAN. You advise your client. Go ahead, Mr. Arens.

Mr. ARENS. Will you answer the question?

(The witness conferred with his counsel.)

Mr. MEIER. I decline to answer on the grounds that I have already given.

Mr. ARENS. This man standing here took oath before this committee and laid himself open to any possible criminal action against himself if he lied, and told this committee that he knew you as a member of the Communist Party. We are giving you an opportunity to look him in the eye and deny it. Was he lying or was he telling the truth when he said he knew you as a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. MEIER. I decline to answer that on the same grounds.

Mr. ARENS. When were you served with your subpena, do you recall?

Mr. MEIER. I don't remember the exact date offhand.

Mr. ARENS. It has been some few weeks ago; has it not?

Mr. MEIER. Approximately three, I believe.

Mr. ARENS. Since you have been served with this subpena did you have any conversation with any of the officials of the school?

(The witness conferred with his counsel.)

Mr. MEIER. Will you specify what kind of conversations you are talking about?

Mr. ARENS. Conversations respecting your proposed appearance here. I am sorry. I meant to be more specific.

(The witness conferred with his counsel.)

Mr. MEIER. I did have a conversation with my employer at the university, Professor Gibb.

Mr. ARENS. What was the essence of that conversation?

Mr. MEIER. The essence of the conversation was that I informed him of the subpena and I informed him that, although I had not yet had advice of counsel, I probably would stand on my constitutional rights and that if this should in any way embarrass him I would be willing to disassociate myself voluntarily.

Mr. ARENS. Will you tell me, did you tell him whether or not you have been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. MEIER. That didn't come up in the conversation.

Mr. ARENS. Do you propose to tell him whether or not you have been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. MEIER. Would you restate that question?

Mr. ARENS. Do you propose to tell him whether or not you have been a member of the Communist Party?

Mr. MEIER. I have no intentions on that question right now.

Mr. ARENS. You recognize of course that when you are released here from your subpena you are also released from your oath. If you have any further conversation with the superintendent of your activities you will not then be under an oath.

We have no further questions of this witness, Mr. Chairman.

Mr. VELDE. No questions.

The CHAIRMAN. There are no questions. The witness is discharged from further attendance at this hearing.

We will stand in recess for 5 minutes.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Call your next witness.

(Members of the committee present: Representatives Walter and Velde.)

Mr. ARENS. Mr. Arnold Berkens, please.

Mr. IRVING BLAU. He is phoning his lawyer who hasn't yet arrived.

Mr. ARENS. Then I suggest, Mr. Chairman, in view of that situation we take another witness and then we can come back to him.

The CHAIRMAN. All right.

Mr. ARENS. Mr. Richard Aspinwall.

The CHAIRMAN. Will you raise your right hand, please. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ASPINWALL. I do.

Mr. ALPERSTEIN. Mr. Chairman, may I request that the photographer be instructed concerning the committee rules.

The CHAIRMAN. He knows the rules, and he will abide by them, I am sure.

TESTIMONY OF RICHARD ASPINWALL, ACCOMPANIED BY COUNSEL, ARNOLD ALPERSTEIN

Mr. ARENS. Please identify yourself, sir, by name, residence, and occupation.

Mr. ASPINWALL. Richard Aspinwall, address 5837 West 29th Avenue, Denver 14. I am with Armour Co. as a laborer.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. ASPINWALL. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. ASPINWALL. Yes.

Mr. ARENS. Will counsel kindly identify himself?

Mr. ALPERSTEIN. Arnold Alperstein, A-l-p-e-r-s-t-e-i-n, 7580 West 16th, Lakewood, Colo.

Mr. ARENS. Where and when were you born, Mr. Aspinwall?

Mr. ASPINWALL. Vermillion, S. Dak., November 24, 1919.

Mr. ARENS. Give us a word, please, sir, about your early life, your education particularly.

Mr. ASPINWALL. Educated principally in the public schools in Boulder, Colo., approximately 3 years at the University of Colorado.

Mr. ARENS. What years were you at the University of Colorado?

Mr. ASPINWALL. From 1939 through 1943.

Mr. ARENS. Did you graduate from the University of Colorado?

Mr. ASPINWALL. No.

Mr. ARENS. Did your period of education there terminate in 1943?

Mr. ASPINWALL. Yes, that is correct.

Mr. ARENS. Did you have any further education at any other institution?

Mr. ASPINWALL. Not at a—I wouldn't consider it an educational institution. I took some training from the maritime service during the war.

Mr. ARENS. When did that commence?

Mr. ASPINWALL. It commenced in November 1953.

Mr. ARENS. Was that your first significant activity after you left the university in 1943?

Mr. ASPINWALL. I don't understand what you mean.

Mr. ARENS. Did you have any job or do anything of any consequence——

Mr. ASPINWALL. Yes. Before I left the university I worked at Montgomery Ward in Denver.

Mr. ARENS. You were in the maritime service?

Mr. ASPINWALL. That is correct.

Mr. ARENS. Were you drafted?

Mr. ASPINWALL. No.

Mr. ARENS. Where did you serve?

Mr. ASPINWALL. You mean where did I take my training?

Mr. ARENS. Yes, sir.

Mr. ASPINWALL. I took my training at one of their bases on Catalina Island, and then from there I went to their radio training school in Boston.

Mr. ARENS. How long did you serve in the maritime service?

Mr. ASPINWALL. All told, from 1943 until 1946, August.

Mr. ARENS. I am not familiar with the setup in the maritime service. Did you receive an honorable discharge?

Mr. ASPINWALL. No; the maritime service during the war was operated very much like it is now or before the war. It was operated by a civilian agency under the direction of the Government, I guess you would say.

Mr. ARENS. Am I correct in my impression that you were a radio operator?

Mr. ASPINWALL. That is correct.

Mr. ARENS. And did you operate radio on vessels or on land?

Mr. ASPINWALL. On board ship.

Mr. ARENS. Where did you operate radio?

Mr. ASPINALL. All over the world. I saw service in the North Atlantic and the South Pacific.

Mr. ARENS. Then what did you do after you were disassociated from the maritime service?

Mr. ASPINWALL. After I got out of the maritime service I took a job with the University of California.

Mr. ARENS. What job was that and when, please, sir?

Mr. ASPINALL. I find at times it is difficult to remember some of these dates.

Mr. ARENS. Approximately how long was it after you left the maritime service?

Mr. ASPINWALL. A few months.

Mr. ARENS. It must have been, then, in 1946 or early 1947.

Mr. ASPINWALL. Late 1946 or early 1947; yes.

Mr. ARENS. The University of California?

Mr. ASPINWALL. That is right.

Mr. ARENS. What did you do there?

Mr. ASPINWALL. I was employed as a draftsman.

Mr. ARENS. By the university itself?

Mr. ASPINWALL. Yes.

Mr. ARENS. For what purpose?

Mr. ASPINWALL. They were operating a research laboratory.

Mr. ARENS. What kind of a research laboratory?

Mr. ASPINWALL. Radio propagation.

Mr. ARENS. I didn't get that.

Mr. ASPINWALL. Radio propagation.

Mr. ARENS. What is radio propagation?

Mr. ASPINWALL. The study of various types of radios, antennas, and associated equipment.

Mr. ARENS. Was that in any sense connected with any of the military of the Government?

Mr. ASPINWALL. Yes. It was operated for the Navy, I believe. The university operated it for the Navy. I don't really understand all the implications. Like they have been operating or had been operating the atomic research. Certain universities——

Mr. ARENS. Does this University of California unit by which you were employed have what we might call a defense contract with the United States Navy?

Mr. ASPINWALL. I don't know.

Mr. ARENS. Was the work that you were doing of a classified nature?

Mr. ASPINWALL. No, not that I know of.

Mr. ARENS. Was the operation itself of a defense nature producing information for the Navy to use for defense purposes?

Mr. ASPINWALL. I would judge probably it was.

Mr. ARENS. How did you happen to get that job?

Mr. ASPINWALL. I applied for it.

Mr. ARENS. How did you know it was open?

Mr. ASPINWALL. That I can't recall. Either I saw it in the newspaper or——

Mr. ARENS. Did you know any person at the University of California who suggested the job to you?

Mr. ASPINWALL. No.

Mr. ARENS. How long were you employed there?

Mr. ASPINWALL. Again I can only give you approximate figures, but about 3 months.

Mr. ARENS. I am not acquainted with the geography out here in the Far West. Where is the University of California?

Mr. ASPINWALL. In Berkeley, Calif.

Mr. ARENS. Was your disassociation from the University of California voluntary or involuntary?

Mr. ASPINWALL. I don't understand.

Mr. ARENS. Were you fired or did you quit?

Mr. ASPINWALL. Yes, I was let off.

Mr. ARENS. Why?

Mr. ASPINWALL. The director of that lab said that I was not passed by the security regulations or something.

Mr. ARENS. Who was this director who told you that?

Mr. ASPINWALL. I don't remember his name.

Mr. ARENS. Did you remonstrate with him on it and assert that you were a good loyal American and you ought to have a right to work on defense matters?

Mr. ASPINWALL. No. It wasn't of keen interest to me to stay on that job. My wife was sick. We were planning at that time to come back to Denver.

Mr. ARENS. Then what happened?

Mr. ASPINWALL. We did come back to Denver. I took a job with the Stearns-Roger Engineering firm here in Denver.

Mr. ARENS. In what type of engineering work is Stearns-Roger engaged in?

Mr. ASPINWALL. I don't know the complete scope of it. The work that I did was concerned with steampower electric installations.

Mr. ARENS. Does Stearns-Roger have any contracts in the nature of defense work?

Mr. ASPINWALL. I couldn't answer that. I don't know.

Mr. ARENS. In what capacity did you work for Stearns-Roger?

Mr. ASPINWALL. As a draftsman.

Mr. ARENS. How long did you maintain that employment?

Mr. ASPINWALL. From 1948 to about 1950, early 1950.

Mr. ARENS. Then what happened?

Mr. ASPINWALL. I was let off due to their lack of contracts, lack of work. I took a job with Gates Rubber Co.

Mr. ARENS. In what capacity did you work at Gates Rubber Co.?

Mr. ASPINWALL. As a draftsman.

Mr. ARENS. How long did you have that employment?

Mr. ASPINWALL. Approximately 4 or 5 months.

Mr. ARENS. Then what happened?

Mr. ASPINWALL. I resigned from Gates and took a job with a construction firm.

Mr. ARENS. Was your resignation voluntary?

Mr. ASPINWALL. Yes.

Mr. ARENS. With what construction firm did you take a job?

Mr. ASPINWALL. Rhodes Construction Co.

Mr. ARENS. In what capacity did you serve with Rhodes Construction Co.?

Mr. ASPINWALL. Draftsman.

Mr. ARENS. How long did you serve there?

Mr. ASPINWALL. Until late 1950.

Mr. ARENS. Then what happened?

Mr. ASPINWALL. The business ran out of work and I was laid off.

Mr. ARENS. What was your next employment?

Mr. ASPINWALL. Armour & Co.

Mr. ARENS. In what capacity were you employed and when did you begin?

Mr. ASPINWALL. In December 1950. Capacity was laborer and then finally got a job as a machine operator.

Mr. ARENS. Is that what you are doing now?

Mr. ASPINWALL. Yes.

Mr. ARENS. What type of machine do you operate?

Mr. ASPINWALL. At present I am not operating it because the company has ceased utilizing that particular machine, so I am not any longer working with that machine. I am I guess you would say a laborer now.

Mr. ARENS. Do you belong to a labor organization?

Mr. ASPINWALL. Yes.

Mr. ARENS. What labor organization is that?

Mr. ASPINWALL. The Packinghouse Workers.

Mr. ARENS. Do you hold any post in the Packinghouse Workers?

Mr. ASPINWALL. No.

Mr. ARENS. Have you ever held any post in a labor organization?

Mr. ASPINWALL. Do you mean an elective post?

Mr. ARENS. Any official position of any kind, character, or description?

Mr. ASPINWALL. I have never been elected to any post in a union. At one time I was asked to fill in an unexpired term for trustee.

Mr. ARENS. What group was that?

Mr. ASPINWALL. The local packinghouse workers local.

Mr. ARENS. Have you ever been a shop steward?

Mr. ASPINWALL. Yes.

Mr. ARENS. When?

Mr. ASPINWALL. Do you mean for how long?

Mr. ARENS. First of all, when were you shop steward, and then what period of time?

Mr. ASPINWALL. I think I became shop steward in 1951 and continued so until they dispensed with the particular operation which I previously mentioned in about 1954.

Mr. ARENS. All while you were at Armour?

Mr. ASPINWALL. Yes.

Mr. ARENS. To revert in the sequence of events here in your life back to your days at the University of Colorado, will you tell us what extracurricular activities you were engaged in at the University of Colorado besides your regular studies?

Mr. ASPINWALL. I think I recall being on the—helping the stage work of the Little Theater.

Mr. ARENS. Were you a member of the Little Theater?

Mr. ASPINWALL. Well, I helped out on the stage. I wasn't a part of the acting talent.

Mr. ARENS. What other activities did you engage in of an extracurricular variety?

Mr. ASPINWALL. Would you explain what you mean by extra-curricular?

Mr. ARENS. You are doing fine. You told us about your activity in this Little Theater group. What other little groups, if any, were you active in, or big groups, or any kind of groups.

(The witness conferred with his counsel.)

Mr. ASPINWALL. I was a member of a social fraternity. I don't know whether you consider that extracurricular activity.

Mr. ARENS. What was the name of the social fraternity?

Mr. ASPINWALL. Beta.

Mr. ARENS. Phi Beta Kappa?

Mr. ASPINWALL. Not Phi Beta Kappa, No.

Mr. ARENS. Was it the Beta social fraternity?

Mr. ASPINWALL. Yes.

Mr. ARENS. In what other groups or organizations did you engage in any extracurricular activities?

Mr. ASPINWALL. That is the extent of my extracurricular activities that I can recall.

Mr. ARENS. You have no recollection of any other group or organization with which you were identified while you were at the University of Colorado, is that correct?

Mr. ASPINWALL. Not that I can recall.

Mr. ARENS. Now can you tell us of some of the groups or organizations you have been active in the State since your college days?

(The witness conferred with his counsel.)

Mr. ASPINWALL. Fairly recently I have been interested in working with the Democratic Party.

Mr. ARENS. Do you hold any posts in the Democratic Party?

Mr. ASPINWALL. Yes. At present I have been designated as a committeeman.

Mr. ARENS. In what area?

Mr. ASPINWALL. In Denver County.

Mr. ARENS. Is that an elective post or appointive post?

Mr. ASPINWALL. I was designated, appointed.

Mr. ARENS. By whom?

Mr. ASPINWALL. I presume by the central committee.

Mr. ARENS. Do you belong to any other organization?

Mr. ASPINWALL. Yes, the church.

Mr. ARENS. Any other organization?

Mr. ASPINWALL. I already mentioned the union. That is all.

Mr. ARENS. Do any organizations you belong to, of any particular consequence, come to your mind since your days at the University of Colorado other than those you have recounted here—the Democratic Party, the church, the Little Theater group, and the social fraternity?

Mr. ASPINWALL. None that I can recall.

Mr. ARENS. Did you ever know a person by the name of Harold Page Martin?

(The witness conferred with his counsel.)

Mr. ASPINWALL. I would like to refuse to answer the question on the basis that the fifth amendment of the United States Constitution does not require me to testify against myself.

Mr. ARENS. Did you ever know a person by the name of Bellarmino Duran?

Mr. ASPINWALL. I refuse to answer that, again on the same grounds previously stated.

Mr. ARENS. Mr. Martin, I wonder if you would stand up, if you are present in the courtroom. Look at this man to my right here, Mr. Harold Page Martin, and tell us whether or not you have ever seen him before?

Mr. ASPINWALL. I am sorry, I must refuse again to answer your question on the grounds previously stated.

Mr. ARENS. Mr. Martin just a little while ago took oath and testified before this committee that he knew you in another little organization that you apparently have forgotten about. Was he lying or was he telling the truth?

Mr. ASPINWALL. Again I must respectfully invoke my privilege under the fifth amendment.

Mr. ARENS. You really didn't forget about that organization when I was talking to you a little while ago, did you? You knew all the time that you were a member of the Communist Party, did you not?

Mr. ASPINWALL. Again I must respectfully invoke my privilege.

Mr. ARENS. Mr. Bellarmino Duran, would you kindly stand up? Do you know this man here, Mr. Aspinwall? Have you ever seen him before?

Mr. ASPINWALL. The fifth amendment of the United States Constitution gives me the right to refuse to testify against myself and I so do in the case of this question.

Mr. ARENS. Do you honestly apprehend if you told this committee the truth as to whether or not you know or have known Harold Page Martin or Bellarmino Duran you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. ASPINWALL. I refuse to answer your question again on previously stated grounds.

Mr. ARENS. You understand the question I have just asked you as to whether or not you honestly apprehend that if you told this committee whether or not you know Bellarmino Duran or Harold Page Martin, you would be supplying information which could be used against you in a criminal proceeding?

Mr. ASPINWALL. I can only again reiterate what I said before.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this record show the witness be ordered and directed to answer that last principal question.

The CHAIRMAN. You are directed to answer the question.

Mr. ASPINWALL. Mr. Chairman, under the same grounds as I previously stated, I cannot testify.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. ASPINWALL. Again under the protection of the fifth amendment which provides me the right to refuse to testify against myself, I cannot answer that question.

Mr. ARENS. Tell us some of the youth activities you have been engaged in. According to prior testimony you apparently had an interest in youth and youth activities. What are some of the youth activities you have been engaged in in this State, for the uplift and betterment of the youth?

Mr. ASPINWALL. I would like to be advised of any prior testimony relating to youth activities.

Mr. ARENS. You just tell me from your own recollection now. You recall being a member of this theater guild and pulling the curtains on that. You remember your social activities in the college back in 1939 to 1943. Just tell us some of the youth activities of any variety in which you have been engaged in in this State.

(The witness conferred with his counsel.)

Mr. ASPINWALL. I can't recall any others that I haven't previously stated.

Mr. ARENS. Do you recall any activities you might have engaged in with a statewide youth commission?

(The witness conferred with his counsel.)

Mr. ASPINWALL. Has this organization previously been mentioned here in an unfavorable way?

Mr. ARENS. You tell me. Let's not fence with each other. Have you been a member of the youth work of the Communist conspiracy in this country and in this State?

Mr. ASPINWALL. Under my right given me by the United States Constitution, the fifth amendment, I cannot answer that question.

Mr. ARENS. Have you ever been a member of an organization dedicated to the destruction of this Constitution which you are talking about?

Mr. ASPINWALL. Again I must invoke my privilege on the grounds previously stated.

Mr. ARENS. Were you here when Mr. Harold Page Martin was testifying? Were you here in the courtroom when he was testifying?

Mr. ASPINWALL. I was.

Mr. ARENS. Did you hear him testify about his disillusionment about the Communist Party? Did you hear that?

(The witness conferred with his counsel.)

Mr. ASPINWALL. I would like to know how that is relevant to——

Mr. ARENS. Just answer the question. Did you hear him testify about his disillusionment with the Communist Party?

Mr. ASPINWALL. I did.

Mr. ARENS. Have you gone through any similar process of disillusionment with the Communist Party?

(The witness conferred with his counsel.)

Mr. ASPINWALL. Again I have to invoke my privilege.

Mr. ARENS. If this committee should, in the exercise of its discretion and judgment, cause proceedings to be instituted which would grant you immunity from criminal prosecution would you testify and give information to this committee respecting the Communist conspiracy in this area? Would you accept that immunity and would you so testify?

(The witness conferred with his counsel.)

Mr. ASPINWALL. I am sorry, I again invoke my rights under the fifth amendment.

Mr. ARENS. Mr. Chairman, that concludes the staff interrogation of this witness.

The CHAIRMAN. Any questions?

Mr. VELDE. No questions.

The CHAIRMAN. The witness is excused.

Mr. ARENS. Has Mr. Arnold Berkens returned to the hearing room?

Mr. ARNOLD BERKENS. My attorney is supposed to be here within 5 minutes. He is tangled with another legal hassle.

Mr. ARENS. Mr. Berkens, may I ask you if you will just stand by. We called your name before. We will take another witness and then we will call you.

Mr. Irving Blau, please.

The CHAIRMAN. Mr. Blau, will you raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BLAU. I do.

TESTIMONY OF IRVING BLAU, ACCOMPANIED BY COUNSEL, MARILYN MEADOFF

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. BLAU. Irving Blau, 4305 Sheridan Boulevard, construction worker.

Mr. ARENS. Mr. Blau, are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. BLAU. Yes, sir; I am.

Mr. ARENS. Are you represented by counsel?

Mr. BLAU. Yes, sir.

Mr. ARENS. Will counsel kindly identify herself.

Miss MEADOFF. Yes. Marilyn Meadoff, M-e-a-d-o-f-f, 538 Equitable Building, Denver, Colo.

Mr. ARENS. For the purpose of further identification, Mr. Blau, are you the husband of Patricia Blau?

Mr. BLAU. Yes, sir; I am very proud to say that I am.

Mr. ARENS. Where and when were you born?

Mr. BLAU. I was born August 24, 1914, in Yonkers, N. Y.

Mr. ARENS. A word, please, sir, about your education.

Mr. BLAU. I attended grammer schools, public schools, in Yonkers, N. Y., high school in Yonkers, N. Y. I attended Fordham College in New York City, and Brooklyn Law School of St. Lawrence College in New York.

Mr. ARENS. Did you graduate from law school?

Mr. BLAU. Yes, sir; I graduated and was admitted to the practice of law in 1939 in the State of New York.

Mr. ARENS. Are you still a member in good standing of the Bar of the State of New York?

Mr. BLAU. To the best of my knowledge I am.

Mr. ARENS. All right, sir. Then please pick up the sequence of events in your life and tell us the first employment you had after you completed your formal education.

Mr. BLAU. After my graduation and admission to the bar, I sat in my own law office for about a year and a half——

Mr. ARENS. Where was that, please, sir?

Mr. BLAU. Yonkers, N. Y.; 20 South Broadway, Yonkers, N. Y.—attempting to build a practice. I then entered the United States Army Air Force and spent 5 years and 4 months as an enlisted man and an officer. I was an enlisted man for 2 years. I was then sent to officers' candidate school at Miami Beach, Fla.

Mr. ARENS. Would you pardon the interruption. I didn't get those dates. When was it you went into the service?

Mr. BLAU. I went into the Army approximately 1942. Approximately 2 years thereafter I went to Officers' Candidate School of the Air Force, the Administrative Air Force School in Miami Beach, Fla. That was approximately May 1944. In my last term at the officers' candidate school I was chosen for the honor corps of the school. Students were picked on the basis of—well, the instructors apparently thought that those members were maybe a little bit more outstanding than the others. I then served as an administrative officer in the United States Army Air Force for 3 years and 4 months. I was promoted from second lieutenant to first lieutenant.

Mr. ARENS. Where did you serve?

Mr. BLAU. I served in the American Theater of Operations, Bangor, Maine, and Colorado Springs. At that time the 15th Air Force was in Colorado Springs. Upon discharge from the Army, the Army promoted me from the first lieutenant grade to captain under the prevailing Army regulations for those who had sufficiently high efficiency index.

Mr. ARENS. All right, sir. Just continue, if you please.

Mr. BLAU. After discharge from the Army as an officer and after my terminal leave, under conditions which for an officer are equivalent to an honorable discharge—what an honorable discharge would be for an enlisted man—I went to work for a short period of time. My second job after a short period of time was with the Gates Rubber Co.

Mr. ARENS. What date did that employment begin, Mr. Blau? What is your best recollection—the approximate date?

Mr. BLAU. Some time late in 1947. At the Gates Rubber Co. I worked approximately 5 months.

Mr. ARENS. Where was the Gates Rubber Co.?

Mr. BLAU. In Denver, Colo. I worked there approximately 5 months. I was discharged from the Gates Rubber Co.

Mr. ARENS. May I inquire, if you don't mind—how did you happen to come to Denver? You were living in New York.

Mr. BLAU. No; my last station with the Army was in Colorado Springs, which is approximately 70 miles south of Denver.

Mr. ARENS. I see.

Then after your discharge you came over to Denver?

Mr. BLAU. Yes, sir.

Mr. ARENS. Proceed.

Mr. BLAU. My next major job, as I remember it, was selling insurance. I worked for an insurance company, a Colorado company, the Professional & Businessmen's Life & Casualty Co., with home offices in Tabor Building, Denver, Colo. I worked there approximately 2 years. I decided that I didn't want to be an insurance man, and quit.

Mr. ARENS. When was that, do you recall?

Mr. BLAU. I think some time around 1949 or 1950. I am not exactly sure of the date. I went to work in construction. Ever since then I have done construction work. When I might run out of that type of work I would sell or do anything to make an honest living, which I have attempted to do since then.

Mr. ARENS. What do you presently do in construction?

Mr. BLAU. My present job is operating a 95-pound jackhammer.

Mr. ARENS. Are you identified with a labor organization?

Mr. BLAU. Yes, sir.

Mr. ARENS. What labor organization?

Mr. BLAU. Local 720 of the Laborers' and Hod Carriers Union.

Mr. ARENS. Do you have any post or office in the union?

Mr. BLAU. No, sir.

Mr. ARENS. Have you ever had any post in the Hod Carriers', Building and Common Laborers' Union?

Mr. BLAU. Not in the laborers' and hod carriers.

Mr. ARENS. Did you ever know a person by the name of Bellarmino Duran?

(The witness conferred with his counsel.)

Mr. BLAU. I decline to answer that based on the fifth amendment, which states that I shall not be required to be a witness against myself.

Mr. ARENS. Do you feel that if you told this committee whether or not you knew Duran and gave a truthful answer pursuant to your oath, you would be supplying information which could be used against you or might be used against you in a criminal proceeding?

Mr. BLAU. The fifth amendment says nothing about information being used against me in a criminal proceeding.

The CHAIRMAN. Yes; it does.

Mr. BLAU. It says I need not be compelled. With due respect to the chairman of the committee, I had occasion to refer to the Bill of Rights last night——

The CHAIRMAN. Never mind. Go ahead and ask the next question.

Mr. BLAU (continuing). Which says a person will not be compelled to be a witness against himself. That is the basis on which I decline to answer.

The CHAIRMAN. It is no wonder you are not practicing law if that is the basis on which you are proceeding.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question as to his apprehensions which cause him to invoke the fifth amendment.

The CHAIRMAN. You are directed to answer the question.

Mr. BLAU. The fifth amendment says I need not be compelled to be a witness against myself and I decline to answer the question on that basis.

Mr. ARENS. The record is clear you have been directed to answer the question.

Mr. BLAU. I understand.

Mr. ARENS. Mr. Duran, would you kindly stand up? Did you ever see this man before?

Mr. BLAU. I decline to answer the question on the same basis.

Mr. ARENS. Mr. Bellarmino Duran, this man standing here, testified under oath before this committee that he knew you as a member of the Communist Party. Was he lying or was he telling the truth?

Mr. BLAU. I decline to answer the question for the same reason, the fifth amendment.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. BLAU. I decline to answer the question on the basis of the fifth amendment and also because of the fact that I don't have to make explanations regarding my political beliefs. I think the first amendment of the Constitution says that.

Mr. ARENS. Do you feel that membership in the Communist Party is only a question of political belief?

Mr. BLAU. I think membership in the Communist Party might very well be a question of political belief.

Mr. ARENS. Do you feel that a Communist is only a person who entertains certain political philosophy?

Mr. BLAU. I know what my political philosophies are and I am satisfied with them and I don't feel I have to explain to this committee or to you.

Mr. ARENS. Do you feel you are under any obligation to furnish information to your Government, if you possess it, respecting a conspiracy designed to overthrow this Government?

Mr. BLAU. Would you please repeat that question?

Mr. ARENS. You have told us that you don't feel you are under any obligation to tell this committee anything about any political philosophy you may have in connection with what might be called the Communist Party. So I am now, since you opened that door, asking you this question. Do you feel you are under any obligation to furnish your government any information which you may possess respecting a conspiracy to overthrow this Government?

Mr. BLAU. I will tell you this: I think I have sufficiently demonstrated my loyalty to the Government of the United States and I am perfectly satisfied that the things in which I believe are for the best interests of the people of the United States.

Mr. VELDE. When do you consider that you displayed your loyalty to the United States?

Mr. BLAU. I think in my service to my country in the Army Air Force for 5 years.

Mr. VELDE. Since that time. At the present time do you consider yourself to be a loyal patriotic citizen?

Mr. BLAU. Yes, sir; I do.

Mr. ARENS. What do you base that on? You are refusing to answer these questions about your Communist connections.

Mr. BLAU. My rights and my defense of the Bill of Rights of the Constitution. I feel in this I am being a good American.

Mr. VELDE. Are you a member of the bar of the State of New York?

Mr. BLAU. Am I a member?

Mr. VELDE. Of the bar association.

Mr. BLAU. Yes, sir; I am.

Mr. VELDE. Which one?

Mr. BLAU. The bar association—do you mean the organization to which all lawyers in the State belong, or are you referring——

Mr. VELDE. There are two different ones, as I recall it.

Mr. BLAU. You are referring to voluntary organization of lawyers?

Mr. VELDE. The New York State Bar Association and then——

The CHAIRMAN. The bar association of the city of New York.

Mr. BLAU. No. sir; I never practiced in the city of New York. My practice was in the city of Yonkers, N. Y.

Mr. ARENS. You are a member in good standing, I take it, of the bar of the State of New York?

Mr. BLAU. Yes. sir; I am.

Mr. VELDE. I was talking about the bar association.

Mr. ARENS. Are you a member of an organization dedicated to the destruction of the Constitution of the United States?

Mr. BLAU. On the basis of the fifth amendment and the first amendment I decline to answer that question for the same reasons.

Mr. ARENS. Mr. Chairman, we have no further questions of this witness.

The CHAIRMAN. The witness is excused from further attendance. There was another witness.

Mr. ARENS. Mr. Arnold Berkens, has your counsel shown up yet?

Mr. BERKENS. No.

Mr. ARENS. Do you have some way of prompting him to come now?

Mr. BERKENS. I tried it once. I can try again.

The CHAIRMAN. Do you have anyone else?

Mr. ARENS. Mr. Berkens is the last witness we had under subpena for today. We have a number subpenaed for tomorrow, but it is very doubtful that they would be here.

The CHAIRMAN. Let's catch up by convening tomorrow morning at 9:30.

Mr. ARENS. Mr. Chairman, may I respectfully suggest this record show that Mr. Berkens will be continued under his subpena until tomorrow morning at 9:30.

The CHAIRMAN. All right.

The committee is in recess until 9:30 tomorrow morning.

(Whereupon, at 3:55 p. m. the committee was recessed, to reconvene at 9:30 a. m., the following day, Friday, May 18, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE ROCKY MOUNTAIN AREA—PART 2

FRIDAY, MAY 18, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Denver, Colo.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities reconvened, pursuant to recess, at 9:50 a. m., in the courtroom of the United States Court of Appeals, Tenth Circuit, Post Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representative Francis E. Walter, of Pennsylvania; and Harold H. Velde, of Illinois.

Staff members present: Richard Arens, director; Courtney E. Owens, and W. Jackson Jones, investigators.

The CHAIRMAN. The committee will be in order.

Call your first witness.

Mr. ARENS. Arnold Berkens.

Mr. BERKENS. I wish to make one thing clear here. I have been issued a defective subpena, and I don't believe that I am the person that you wanted.

(There was a conference at the bench between counsel for the witness and the committee chairman.)

Mr. ARENS. Are you Arnold Berkens?

Mr. BERKENS. Yes, that is my name.

Mr. ARENS. Will you please remain standing and raise your right hand and be sworn.

Mr. BERKENS. No, I want to make this matter clear first. I have a defective subpena. It is not issued to me.

The CHAIRMAN. Take a look at the subpena.

Mr. ARENS. What do you think is defective about it?

Mr. BERKENS. My name.

Mr. ARENS. What is defective about it?

Mr. BERKENS. It is not spelled right. It is not my name.

Mr. ARENS. How do you spell your name?

Mr. BERKENS. My name is spelled B-e-r-k-e-n-s.

Mr. ARENS. This subpena was served upon you, however.

Mr. BERKENS. It was served to me. That is why I am here.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be instructed to raise his right hand and be sworn.

The CHAIRMAN. Raise your right hand. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERKENS. Yes, sir.

The CHAIRMAN. Be seated.

TESTIMONY OF ARNOLD BERKENS, ACCOMPANIED BY COUNSEL, WENDELL A. PETERS

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. BERKENS. My name is Arnold Berkens; occupation, salesman; self-employed. My residence is 165 South Cherokee.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you?

Mr. BERKENS. It was served to me.

Mr. ARENS. Are you are represented by counsel?

Mr. BERKENS. Yes.

Mr. ARENS. Will counsel kindly identify himself.

Mr. PETERS. Wendell A. Peters, 2130 Downing Street, Denver, Colo.

Mr. ARENS. Mr. Berkens, please tell us where and when you were born.

Mr. BERKENS. Denver, Colo., October 4, 1917.

Mr. ARENS. Give us just a word about your education.

Mr. BERKENS. I finished a graduate of West Denver High School in 1935. I went to the University of Denver in 1946, graduated there in 1949.

(Representative Walter left the hearing room.)

Mr. ARENS. Give us a word, please, about your employment since you graduated.

Mr. BERKENS. Before answering this, I have been entirely a self-employed salesman.

Mr. ARENS. In what capacity?

Mr. BERKENS. Innumerable and various.

Mr. ARENS. Give us an illustration of some of them.

Mr. BERKENS. I choose not to.

Mr. ARENS. You are instructed to do so.

Mr. BERKENS. I feel that any further identification might tend to inform your defective subpena. Therefore, I choose not to answer those questions, and I see no relation between them and any possible purpose you may have here.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question.

Mr. VELDE (presiding). You are so ordered to answer the question.

Mr. BERKENS. I decline to answer that question on the ground of the fifth amendment, not to be a witness against myself.

Mr. ARENS. Are you now a member of the Communist conspiracy?

Mr. BERKENS. Am I now a member of the Communist conspiracy?

Mr. ARENS. Yes.

(The witness conferred with his counsel.)

Mr. BERKENS. I decline to answer that question on the grounds both of the first amendment granting to every one the right of affiliations and political beliefs, and also on the previously stated fifth. I also suggest that this committee has no power to ask such questions under

the Constitution at all. Article 3, section 1, of the Constitution grants to the judiciary that type of right, if it belongs to any one, and, as a matter of fact, the first amendment refuses to grant that kind of power of inquiry even to the judiciary.

Mr. ARENS. Harold Page Martin yesterday took an oath before this committee and testified in public session that while he was a member of the Communist Party he knew you as a member of the Communist Party. Was he lying or was he telling the truth?

Mr. BERKENS. I did not hear his testimony.

Mr. ARENS. Was he lying or was he telling the truth when he said that you were a member of the Communist Party?

Mr. BERKENS. Well, a stool pigeon is incapable of telling the truth.

Mr. ARENS. Do you deny that he was telling the truth when he identified you as a member of the Communist Party?

Mr. BERKENS. I simply affirm that a stool pigeon doesn't know how to tell the truth.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer this last principal question.

Mr. VELDE (presiding). You are so directed to answer the question.

Mr. BERKENS. I refuse to answer that question on previously stated ground, including both the first and fifth amendments.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

Mr. VELDE (presiding). The witness is excused.

Call your next witness, Mr. Arens.

Mr. ARENS. Mr. David Bramhall.

Mr. JONES. Does he waive his expenses?

Mr. PETERS. No.

Mr. JONES. He will have to sign the voucher.

Mr. MONTFORT. If the cameras do come in we would prefer not to have photographs taken during the testimony. Yesterday I didn't notice that they were photographing during the entire testimony of the witness I was representing.

Mr. VELDE. Where do you see any photographers?

Mr. MONTFORT. They are not here at this time, apparently, but we would like to have it understood.

Mr. VELDE. All right.

Mr. ARENS. The chairman has already announced that.

Mr. VELDE. Raise your right hand. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRAMHALL. I do.

TESTIMONY OF DAVID BRAMHALL, ACCOMPANIED BY COUNSEL, CHARLES D. MONTFORT

Mr. ARENS. Please identify yourself by name, residence and occupation.

Mr. BRAMHALL. My name is David Bramhall. I live in Denver, Colo. My occupation is route salesman.

Mr. ARENS. How long have you been so employed?

Mr. BRAMHALL. In that type of job for almost a year.

Mr. ARENS. Are you appearing today in response to a subpena served upon you by the House Committee on Un-American Activities?

Mr. BRAMHALL. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. BRAMHALL. Yes; I am.

Mr. ARENS. Will counsel identify himself?

Mr. MONTFORT. Charles D. Montfort, attorney at law, 611 E. & C. Building, Denver, Colo.

Mr. ARENS. Mr. Bramhall, you are the husband of Shirley Bramhall?

Mr. BRAMHALL. Yes.

Mr. ARENS. Where and when were you born?

Mr. BRAMHALL. I was born in Boulder, Colo., June 4, 1926.

Mr. ARENS. A word, please, sir, about your education.

Mr. BRAMHALL. I went to the public schools in Boulder and high school in Boulder. I attended the University of Colorado from 1943 until 1947, at which time I got a Bachelor of Arts degree. I was for one semester at Cornell University.

Mr. ARENS. When did you complete your work at Cornell?

Mr. BRAMHALL. In February 1948.

Mr. ARENS. What degree did you receive?

Mr. BRAMHALL. No degree.

Mr. ARENS. What degrees do you hold from school?

Mr. BRAMHALL. Just Bachelor of Arts at Colorado.

Mr. ARENS. Give us, please, a brief chronological sketch of the employment which you have had since you completed your formal education.

Mr. BRAMHALL. I left Cornell in February 1948. From February 1948 until the end of October 1948 I worked delivering wholesale auto parts in New York City, then returned to Colorado, after being away for a year and a half, in late November or early December 1948. And from about March 1949 to August 1950 I worked as a stockman in a chemical supply house.

From September 1950 until November 1951, I worked for Cudahy Packing Co. From early 1952 until June 1955, I worked to learn plumbing supplies, and since June 1955 I have been a route salesman.

Mr. ARENS. During the course of your various occupations which you have been describing, have you been a member of a labor organization?

Mr. BRAMHALL. Yes; I have.

Mr. ARENS. Have you held any post in a labor organization?

Mr. BRAMHALL. No.

Mr. ARENS. Mr. Duran, will you kindly stand? Mr. Bramhall, would you please look at this gentleman to my right and to your left and tell us whether or not you have ever known him before?

(The witness conferred with his counsel.)

Mr. MONTFORT. Again, Mr. Chairman, I earnestly request that we be allowed to cross-examine this witness.

Mr. VELDE (presiding). Of course you know that isn't permitted before this investigative committee.

Mr. MONTFORT. It hasn't been permitted heretofore, sir, and yet it seems to me—

Mr. VELDE. Your request is denied.

Mr. BRAMHALL. I decline to answer that question. I was brought up to believe that an American could not be forced by the Government or by any one else to disclose his political or religious beliefs and associations or his friendships. I think it is not only the right of a citizen but his duty to refuse to be a part of any infringement on his liberties which we have won over a long period. Therefore, I decline on the grounds of the first amendment.

Second, although this is not a trial technically, my reputation and my livelihood are in jeopardy here, and since I am being denied due process in this hearing, I decline under the section of the fifth amendment which guarantees due process.

Mr. ARENS. Without in any sense making any reference to any belief you may have held, any association or any activity you have ever had—would counsel be informed that under the rules of the committee counsel's duties and responsibilities are exclusively to advise his client with respect to his constitutional rights.

Mr. MONTFORT. May the witness be allowed to finish his answer?

Mr. ARENS. Without any reference to any association, any thought, any concept, any mental activity you have ever had in your life, tell this committee whether or not you have ever been part and parcel of the Communist conspiracy in this country.

Mr. BRAMHALL. Just a moment, sir. I didn't finish the answer to the previous question. May I finish the answer I was giving?

Mr. ARENS. Go ahead.

Mr. BRAMHALL. In addition to the section of the fifth amendment which guarantees due process, I also decline under the other section of the fifth amendment which prevents my being forced to be a witness against myself.

Mr. ARENS. In what type of proceeding?

Mr. BRAMHALL. I believe I ought to talk to my counsel.

(The witness conferred with his counsel.)

Mr. BRAMHALL. I wonder if you could clarify that question.

Mr. ARENS. In what type of proceeding is it that you do not feel you want to give information against yourself?

Mr. MONTFORT. Would you like me to answer that?

Mr. ARENS. No. Counsel had better refer again to the rules of this committee, that your sole function here is to advise your client with reference to his constitutional rights.

(The witness conferred with his counsel.)

Mr. BRAMHALL. I don't know what type of proceeding you are referring to.

Mr. ARENS. Now, without any reference at all to any thoughts you may have entertained in your mind, any association you may have ever had, any belief you have ever entertained, tell this committee, the people of this community, pursuant to your oath, whether or not you have been active in the Communist conspiracy in this country.

(The witness conferred with his counsel.)

Mr. BRAMHALL. I believe there is a contradiction in your question. I don't see how that question could be answered without a reference to beliefs or associations, but I will state that I decline to answer it for the reasons previously given.

Mr. VELDE. I would like to know just what reasons you have given for your refusal to answer. You started out by mentioning the due-

process section of the fifth amendment. Then the next time you mentioned the incriminating section.

Mr. MONTFORT. Are you asking me, sir?

Mr. VELDE. No; I am not asking you; of course not. Your duties have been defined.

Mr. MONTFORT. I thought you addressed that to counsel.

Mr. VELDE. Just what are you relying on in refusing to answer this question?

Mr. BRAMHALL. Sir, I believe there are several bases on which I have to rely. I think the Constitution protects citizens against undue invasion of their liberties under several amendments. I cited first of all and primarily the first amendment, which provides the guaranty of free speech, assembly, religious beliefs, and so forth.

Secondly——

Mr. VELDE. What this committee is interested in is what section of the fifth amendment, which you know, as I am sure your attorney has advised you, is the only ground on which you can refuse to answer. What section of the fifth amendment are you depending upon?

Mr. BRAMHALL. I was coming to that, sir.

Mr. VELDE. Let's come to it.

Mr. BRAMHALL. Under two sections of the fifth amendment. First, the section which refers to the guaranty of due process and, second, the section which protects a man from being a witness against himself.

(The witness conferred with his counsel.)

Mr. ARENS. Were you chairman of a meeting back in 1953 to mourn the passing of the Rosenbergs?

Mr. BRAMHALL. Sir, that obviously——

(The witness conferred with his counsel.)

Mr. BRAMHALL. Again I invoke the privileges previously stated.

Mr. ARENS. I have marked this document, which is a photostatic copy of an article in the Denver Post, of June 23, 1953, "David Bramhall Exhibit No. 1." I lay it before you and invite your attention specifically to the following language:

> Neither the speaker, the presiding officer, nor any member of the audience would identify himself, but many were recognized. Chairman of the meeting was David Bramhall, also a former Progressive Party leader.

I lay that exhibit before you and ask you if that refreshes your recollection or if you can tell us whether or not you are the David Bramhall who is alluded to in that article.

Mr. BRAMHALL. For the reasons previously stated, sir, I decline to answer that question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, David Bramhall exhibit No. 1 be incorporated by reference in the record and retained in the committee files.

Mr. VELDE. It is so ordered.

Mr. ARENS. With whom have you discussed your proposed appearance here today besides with your attorney and your wife?

(The witness conferred with his counsel.)

Mr. BRAMHALL. Sir, that again refers to my speech and, as I previously stated, I decline to answer that question on the grounds of the first and the two sections of the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you told this committee the truth as to with whom you have discussed your appearance here

today besides your attorney and your spouse, you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. BRAMHALL. Sir, the Supreme Court has stated that the fifth amendment protects the innocent as well as the guilty. I decline to answer that question on the grounds previously stated.

Mr. ARENS. Are you innocent of any part in a conspiracy against this country?

Mr. BRAMHALL. I will decline to answer that question on the grounds I have previously stated.

Mr. ARENS. Do you honestly apprehend if you gave a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Mr. BRAMHALL. That being the same question, again I decline to answer once more on the same grounds.

Mr. ARENS. I suggest, Mr. Chairman, the witness be ordered and directed to answer that last principal question.

Mr. VELDE. You are ordered to answer the question.

Mr. BRAMHALL. Sir, I respectfully decline to answer on the grounds I have stated.

Mr. ARENS. You were served with a subpena to appear before this committee on the 12th day of April 1956, were you not?

Mr. BRAMHALL. I can't remember the exact date. It was a Thursday, probably about that time.

Mr. ARENS. I put it to you as a fact that, since you were served a subpena to appear before this committee, you and the other comrades in the community formed a little party caucus of comrades, on the hearing which we have been conducting in this vicinity and in this community in the course of the last few days.

Mr. BRAMHALL. Is that a question?

Mr. ARENS. Yes, sir.

Mr. BRAMHALL. I didn't understand it as a question.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny what I have just said as a fact, that since you received your subpena you and the other comrades of this community created a party caucus in which you decided you would bring in and cause to be developed in this community a sentiment against these hearings and against the members of this committee and that you had a concerted campaign of that character.

(The witness conferred with his counsel.)

Mr. BRAMHALL. It seems clear, sir, that I decline to answer such a question on the grounds previously stated.

Mr. ARENS. Do you honestly apprehend if you gave a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Mr. BRAMHALL. I must decline to answer that question on the grounds I have given several times.

Mr. ARENS. You and the other comrades in this caucus I have been talking about decided you would bring in, rope in, the do-gooders and the dupes and dopes that you could, to front for the Communist conspiracy in this area against this committee and against these hearings. Is that not a fact?

(The witness conferred with his counsel.)

Mr. BRAMHALL. I decline to answer that question on the grounds of the first and the two sections of the fifth amendment.

Mr. ARENS. I lay before you a document which is the original. I will mark it "David Bramhall Exhibit No. 2." It is an article appearing in the Denver Post, Friday, May 11, 1956, Fair Treatment Urged at Un-American Hearing, an article in which a number of items are listed, and signed by a number of people in this community—legislators, ministers, members of the medical profession, lawyers, business and professional leaders, and others, calling upon the committee to have fair treatment toward witnesses in this query.

I ask you whether or not you were instrumental in whole or in part in causing the circulation of that open letter to be made in this community in advance of the appearance here of the House Committee on Un-American Activities?

(The witness conferred with his counsel.)

(Representative Walter returned to the hearing room.)

Mr. BRAMHALL. Sir, since this committee had scheduled its appearance and since I was one of those subpenaed, certainly to that extent I imagine you could say that I was in part responsible, that is, there must have been people who knew me who had something to do with that.

Mr. ARENS. Did you have knowledge of the circulation of the open letter alluded to in this article marked "David Bramhall Exhibit No. 2"?

Mr. MONTFORT. Mr. Counsel, would you please step back so I can confer with my client?

(The witness conferred with his counsel.)

Mr. BRAMHALL. Sir, I saw the petition as it appeared in the newspaper.

Mr. ARENS. Did you have knowledge of the circulation of that petition or open letter prior to the time that you saw it in the newspaper?

(The witness conferred with his counsel.)

Mr. BRAMHALL. No, sir; I never saw that petition until it appeared in the paper.

Mr. ARENS. Did you have knowledge of the circulation of the open letter prior to the time that you saw the actual document produced in the paper?

(The witness conferred with his counsel.)

Mr. BRAMHALL. I had heard that a petition was being circulated.

Mr. ARENS. Who told you a petition was being circulated?

(The witness conferred with his counsel.)

Mr. BRAMHALL. To the best of my recollection it was my wife who told me.

Mr. ARENS. Did you participate in a caucus of the Communists in this community after you received your subpena, in which caucus it was decided that an open letter or petition against this committee would be circulated and signatures enlisted from any one who could be induced to sign it?

(The witness conferred with his counsel.)

Mr. BRAMHALL. Mr. Chairman, I decline to answer that question on the grounds of the first and the two sections of the fifth amendment I have mentioned.

Mr. ARENS. We have no further questions of this witness at this time, Mr. Chairman.

The CHAIRMAN. The witness is excused from further attendance under the subpena.

Mr. ARENS. Shirley Bramhall.

Please remain standing while the chairman administers an oath to you.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BRAMHALL. I do.

TESTIMONY OF SHIRLEY BRAMHALL, ACCOMPANIED BY COUNSEL, WILLIAM B. MILLER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. BRAMHALL. My name is Shirley Bramhall. My maiden name was Shirley Wellinger, and close friends have called me Billie since I was about 16 years old. My residence is Denver, Colo., and I am a housewife raising two children at the present time.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mrs. BRAMHALL. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mrs. BRAMHALL. Yes, sir.

Mr. ARENS. Will counsel identify himself.

Mr. MILLER. William B. Miller, of the Denver, Colo., bar.

Mr. ARENS. Give us, if you please, Mrs. Bramhall, just a brief sketch of your early life, your education, where you were born.

Mrs. BRAMHALL. I was born in New York City on December 8, 1926. I went to the public schools in New York City, graduated from Hunter High School in January of 1943, after which I attended Hunter College until June of 1946, I believe, and then went to the University of Colorado, from which I received a Bachelor of Arts in August of 1947.

Mr. ARENS. Did that complete your formal education?

Mrs. BRAMHALL. Yes, it did.

Mr. ARENS. Then would you kindly tell us any occupation in which you were engaged since 1947?

Mrs. BRAMHALL. After graduating from Hunter College I returned to New York City and worked for Macy's Department Store from September to just after Christmas of 1947. Following that there were two short employments at the Victor Metals Co. in New York City and at the J. C. Footwear Co., New York City, which took me through the fall of 1948. In December of 1948 we returned to Colorado and since then on the whole I have been a housewife and raising my family, although there have been some short jobs to supplement the family income. Would you like me to relate them?

Mr. ARENS. No, I don't believe that will be necessary. They were inconsequential jobs?

Mrs. BRAMHALL. The only one of any length was with a truck line in 1953 and 1954.

Mr. ARENS. When you were at the University of Colorado with what organizations were you affiliated?

Mrs. BRAMHALL. Could you be more specific?

Mr. ARENS. Yes. Were you affiliated with the Labor Youth League while attending the University of Colorado?

(The witness conferred with her counsel.)

Mrs. BRAMHALL. I am going to refuse to answer that question, Mr. Arens. I would like to state my grounds. I have a very deep respect for our Government and the Bill of Rights, and I have a great desire for my children to grow up and enjoy the same privileges that children in this country have enjoyed for many years. This means to me that I have a responsibility not to answer questions concerning my association or lack of association, politics, religion, or friendships, and I will not betray this here today as I have not in the past. Therefore, I refuse to answer that question under the first amendment to the Constitution.

In addition, I have been sitting here all week listening to the hearings. Accusations have been made against me. My reputation has been attacked. Although I understand that this is not a trial, I feel that I am on trial here, without benefit of due process. I have no right to cross-examine my attackers. Although I wrote a letter to this committee in accordance with rule IX of your proceedings that I have the right to make a statement prior to the hearings provided that it is relevant and germane to the subject of the hearings, asking for that subject, I received no answer and feel improperly prepared. Therefore, I refuse to answer under the due process clause of the fifth amendment.

Further, I will not be a witness against myself under the fifth amendment.

Mr. ARENS. In view of your professed respect for the Bill of Rights, may I ask you if you have ever been identified with an organization which to your knowledge was dedicated to the destruction of the Constitution of the United States, including the Bill of Rights?

Mrs. BRAMHALL. Under my respect for the Bill of Rights I again refuse to answer that question on the same three grounds.

Mr. ARENS. I assume that you are referring to the testimony of Mr. Bellarmino Duran when you said your reputation has been attacked, and I am going to ask him if he will please stand up now. Mr. Duran testified under oath before this committee that he knew you as one of the top-flight members of the Communist Party in the United States.

I assume that you regard that as an attack on your reputation, as I certainly would if such a charge were made against me. I am going to give you an opportunity to deny it while you are under oath here, deny it publicly, so all can hear that you deny that you were a member of this conspiracy.

Mrs. BRAMHALL. Do you want me to look him in the eye?

Mr. ARENS. Was Mr. Duran lying or telling the truth when he said he knew you as a member of the Communist Party?

Mrs. BRAMHALL. I will be glad to look Mr. Duran in the eye and refuse to answer the question on the same three grounds.

His eyes turned away first.

Mr. ARENS. Was Mr. Duran lying or telling the truth when he said you were a member of the Communist conspiracy?

Mrs. BRAMHALL. I claim my privilege, as stated before.

Mr. ARENS. Do you honestly apprehend if you told this committee the truth as to whether or not Mr. Duran was telling the truth, you

would be supplying information which could be used against you in a criminal proceeding?

Mrs. BRAMHALL. The fifth amendment, as has been stated by the Supreme Court, is a protection to the innocent as well as the guilty, and I refuse to answer that question on the same three grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the last principal question.

The CHAIRMAN. You are directed to answer the question.

Mrs. BRAMHALL. I must decline, sir.

The CHAIRMAN. You are not under any compulsion.

Mrs. BRAMHALL. I choose to decline, sir, under the first and fifth amendments to the Constitution.

Mr. ARENS. After you received your subpena to appear before this committee, did you and others have a caucus to decide what was going to be done about this hearing?

Mrs. BRAMHALL. I decline to answer that question on the same three grounds.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that after you received your subpena to appear here you and the other comrades of the area had a caucus in which you decided you would have a concerted campaign to discredit the House Committee on Un-American Activities in these hearings. Is that the truth, or is that a false allegation?

(The witness conferred with her counsel.)

Mrs. BRAMHALL. That is the same question as you asked before?

Mr. ARENS. Yes.

Mrs. BRAMHALL. As I said, I decline to answer that question on the same three grounds.

Mr. ARENS. Do you know a person by the name of Rachael Allen?

Mrs. BRAMHALL. Yes; I know Mrs. Allen.

Mr. ARENS. Tell us what Mrs. Allen did at your direction respecting the solicitation of signatures to an open letter.

Mrs. BRAMHALL. Mrs. Allen is a friend whom I have been associated with in the Democratic Party for a few years on and off through various campaigns. That is all that I can tell you about her.

Mrs. ARENS. Did you and Mrs. Allen work together in causing to be affixed to an open letter signatures of people in this community respecting these hearings and respecting the House Committee on Un-American Activities?

(The witness conferred with her counsel.)

Mrs. BRAMHALL. No.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that within the course of a few days prior to the open session of this committee Rachael Allen had a telephone conversation with you in which she reported to you that, pursuant to your directions and instructions, she was successful in causing to be affixed to this open letter the names of certain people in this community.

(The witness conferred with her counsel.)

Mr. MILLER. Would you repeat the principal question?

Mr. ARENS. Would you kindly read the pending question, Mr. Reporter.

(Question read by the reporter.)

Mrs. BRAMHALL. I deny that.

Mr. ARENS. Have you had telephone conversations or conversations at all in the course of the last 2 or 3 weeks with Rachael Allen respecting an open letter which was circulated in this community condemning the House Committee on Un-American Activities?

(The witness conferred with her counsel.)

Mrs. BRAMHALL. It may be that in the course of harmless telephone conversations regarding children, neighbors, et cetera, that this may have come up and she may have mentioned it to me. Believe me, I give no orders to my friends.

Mr. ARENS. She may have mentioned what to you?

Mrs. BRAMHALL. The fact that such a thing was taking place.

Mr. ARENS. When do you have a recollection of this conversation which——

Mrs. BRAMHALL. I have no specific recollection.

Mr. ARENS. When did you last have a conversation with Rachael Allen?

(The witness conferred with her counsel.)

Mrs. BRAMHALL. I don't remember.

Mr. ARENS. You don't know Rachael Allen as a member of the Communist Party, do you?

Mrs. BRAMHALL. Certainly not.

Mr. ARENS. There has been no suggestion here, Mr. Chairman, in this interrogation that this staff has information that Rachael Allen is a member of the Communist Party. I think the record should be absolutely clear on that.

In the course of the last month how many conversations have you had with Rachael Allen?

Mrs. BRAMHALL. I have no idea; 2 or 3, possibly.

Mr. ARENS. Have you ever made known to Rachael Allen your membership in the Communist Party?

(The witness conferred with her counsel.)

Mrs. BRAMHALL. I choose to refuse to answer that on the ground previously stated.

Mr. ARENS. Have you ever denied to Rachael Allen that you were a member of the Communist Party?

Mrs. BRAMHALL. The same answer.

Mr. ARENS. Tell us what you did after you received your subpena, from the standpoint of conversation or activities repecting the appearance here of the House Committee on Un-American Activities.

Mrs. BRAMHALL. I don't understand the question. What do you mean, what I did?

Mr. ARENS. With whom have you discussed your proposed appearance here today besides your attorney and your husband?

Mrs. BRAMHALL. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. Have you discussed your appearance here today with people who were known by you to be members of the Communist Party?

Mrs. BRAMHALL. I refuse to answer that question on the grounds of the first and fifth amendments of the Constitution.

Mr. ARENS. I lay before you an original document which has been already identified in this record as "David Bramhall Exhibit No. 2", an article appearing in the Denver Post of Friday, May 11, 1956, respecting an open letter to this committee, which is, according to the

article, signed by a number of people in this community. I ask you to glance at that article and tell this committee whether or not you had any knowledge or information respecting the circulation of that open letter after you received your subpena.

Mrs. BRAMHALL. I already told you that it was mentioned in a telephone conversation.

Mr. ARENS. What telephone conversation?

Mrs. BRAMHALL. It was probably mentioned in a telephone conversation with Mrs. Allen.

Mr. ARENS. Who did the mentioning in this telephone conversation?

Mrs. BRAMHALL. I already told you she did.

Mr. ARENS. She mentioned it. Did you meet in a caucus of some people in the Denver area, out of which caucus came a concerted plan, including the circulation of a letter?

Mrs. BRAMHALL. I refuse to answer that question on the grounds previously stated.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that after you received your subpena you and other comrades in the Communist Party in this area had a caucus at which it was decided that there would be an attempted smear of the House Committee on Un-American Activities; that you caused to be circulated this open letter and that you caused to be made representations to certain people in this community against the House Committee on Un-American Activities. Is that true or is that false?

(The witness conferred with her counsel.)

Mr. MILLER. That is quite a speech, Mr. Chairman. Go ahead and answer.

Mrs. BRAMHALL. You attribute a great deal more power to me than I ever dreamed I had.

Mr. ARENS. If that is not true, deny it under oath before this committee.

Mrs. BRAMHALL. Would you mind not interrupting me? It is very difficult to make this appearance anyway. I refuse to answer the question on the grounds previously stated.

Mr. ARENS. Do you honestly apprehend if you gave a truthful answer to that last principal question you would be supplying information which could be used against you in a criminal proceeding?

Mrs. BRAMHALL. As I said before, the fifth amendment is used by both the innocent and the guilty and I refuse to answer that question under the first and fifth amendments of the Constitution.

Mr. ARENS. Are you innocent of the allegations which I made to you in the last principal question?

(The witness conferred with her counsel.)

Mr. MILLER. Will the reporter repeat the last one? We are a little bit lost. That was more of a speech than a question, Mr. Counsel. Will you repeat the last principal question?

The CHAIRMAN. You advise your client and I will criticize the committee counsel.

Mr. MILLER. All right.

(The reporter read from his notes, as follows:

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that after you received your subpena you and other comrades in the Communist Party in this area had a caucus at which it was decided that there would be an

attempted smear of the House Committee on Un-American Activities; that you caused to be circulated this open letter and that you caused to be made representations to certain people in this community against the House Committee on Un-American Activities. Is that true or is it false?

Mrs. BRAMHALL. I claim my privilege under the amendments.

Mr. ARENS. Mr. Chairman, we have no further questions of this witness at this time.

The CHAIRMAN. The witness is excused.

Mr. ARENS. I respectfully suggest, Mr. Chairman, David Bramhall exhibit No. 2 be incorporated by reference in this record and retained in the files of the committee.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Martha Correa, please.

The CHAIRMAN. Will you raise your right hand, please? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss CORREA. Yes, I do.

TESTIMONY OF MARTHA CORREA; ACCOMPANIED BY COUNSEL, MARVIN DANSKY

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Miss CORREA. My name is Martha Correa. I live at 2416 West 36th Avenue. My occupation—various occupations—labor many times, and I am trained to do general office work also. I have worked in both labor and office work.

Mr. ARENS. Where are you presently employed?

Miss CORREA. Mr. Arens, I would like to request that I not reveal where I am presently employed for the reason that a few days after I received the subpena from this committee I was fired from one job, and it seems to me that perhaps my employer must have felt that merely receiving the subpena from this committee places me on a blacklist. I need my job. I don't earn very much as it is. I do not wish to be fired from my present job.

Mr. ARENS. You mean you have acquired new employment since the time you received your subpena?

Miss CORREA. That is correct; yes, sir.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Un-American Activities Committee?

Miss CORREA. That is correct.

Mr. ARENS. When this employer fired you did he have a conversation with you as to whether or not you might be a member of the Communist conspiracy?

(The witness conferred with her counsel.)

The CHAIRMAN. I think the record should show that the witness is accompanied by counsel.

Mr. ARENS. I beg your pardon, Counsel. Let us interject that, if you please. You are accompanied by counsel?

Miss CORREA. Yes; I am.

Mr. ARENS. Will counsel identify himself?

Mr. DANSKY. Marvin, M-a-r-v-i-n, Dansky, D-a-n-s-k-y, 511 University Building, Denver, Colo.

Miss CORREA. I will give you my past employment if you wish.

Mr. ARENS. Would you proceed to answer the question which is oustanding.

(The witness conferred with her counsel.)

Mr. DANSKY. May we respectfully request to have the question read back?

Mr. ARENS. You protested here that you did not want to reveal the name of your employer or place of employment because you were fired from your last employment after you received your subpena. I therefore ask you the question as to whether or not you revealed to the employer who fired you information respecting Communist Party membership.

(The witness conferred with her counsel.)

Miss CORREA. Mr. Arens, I wish to decline to answer that question on the ground that I do not wish to be a witness against myself.

Mr. ARENS. Have you ever been a member of the Colorado Committee To Protect Civil Liberties?

(The witness conferred with her counsel.)

Miss CORREA. Mr. Arens, I believe that question comes under the protection of the first amendment and the right of people to assemble and freedom of speech, and I wish to decline to answer that question on the grounds of the first amendment and the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you told this committee whether or not you were a member of the Colorado Committee To Protect Civil Liberties you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Miss CORREA. Mr. Arens, I wish to refuse to answer that question, as I have the same objections to that question as I did to the previous question.

The CHAIRMAN. Just a moment. You say "I wish to." By that you mean "I do"?

Miss CORREA. I do. I invoke my privilege.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that last principal question.

The CHAIRMAN. Yes; you are directed to answer that question.

(The witness conferred with her counsel.)

Miss CORREA. Mr. Walter, I refuse on the same grounds.

Mr. ARENS. I lay before you now a document which I have marked "Correa Exhibit No. 1," which is a photostatic copy of an article appearing in the Denver Post, November 9, 1954, in which a person by the name of Martha Correa is identified as chairman of a Colorado Committee To Protect Civil Liberties. I ask you to take a glance at that article, please, and tell us whether or not you are the person alluded to in that article as chairman of the Colorado Committee To Protect Civil Liberties.

(The witness conferred with her counsel.)

Miss CORREA. I refuse to answer that question on the same grounds as I previously stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman Correa exhibit No. 1 be incorporated by reference in the record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Miss Correa, would you look over to your left and my right to the gentleman in the blue suit, Mr. Duran, who is standing, and tell this committee whether or not you have ever seen him before.

Miss CORREA. Mr. Chairman, I would like to look him in the eye, as you tell other people that.

Mr. ARENS. Yes; look him in the eye and tell this committee whether or not you have ever seen him before.

Miss CORREA. Permit me to say that I feel he is a disgrace to the people and therefore I must decline to answer that question on the grounds of the fifth amendment.

Mr. ARENS. He testified under oath before this committee that he knew you as a Communist when he was an undercover agent serving his country for the Federal Bureau of Investigation. Do you care to remove that disgraceful epithet from your name by denying it now under oath.

(The witness conferred with her counsel.)

Miss CORREA. Mr. Arens, let me say perhaps you misunderstood me. I stated that I felt he was a disgrace to my people.

The CHAIRMAN. What do you mean by "my people"?

Miss CORREA. The Mexican and Spanish people of Denver in my community.

The CHAIRMAN. He may be what you say, but he is certainly not that with respect to the American people.

Miss CORREA. The Mexican people are American people, Mr. Walter. They are Americans, and I resent that. I am an American, Mr. Walter.

The CHAIRMAN. I thought so.

Miss CORREA. Well, you didn't say that.

The CHAIRMAN. You are the one who raised the question.

Go ahead.

Mr. ARENS. Will you answer the principal question?

Miss CORREA. I didn't get to finish when Mr. Walter asked another question.

As I said, I said he was a disgrace to my people and I felt that, and that therefore I must refuse to answer that question on the grounds of the fifth amendment.

Mr. ARENS. Won't you stand up here like a redblooded American and deny before this committee, if it is a fact, that you have never been a member of the Communist Party?

(The witness conferred with her counsel.)

Miss CORREA. To my knowledge I have always learned that all Americans have red blood. I don't know. I may not have been taught that in school, and so forth. I wish to decline to answer that question. I think it is an invasion of the secrecy of the ballot and I intend to cast my ballot in November. Therefore I wish to refuse to answer that question on the grounds of the amendments.

If I may, I believe I recall yesterday hearing Mr. Walter, after commending the Government witness Martin, refer to other people as taking refuge behind amendments.

The CHAIRMAN. That is right.

Miss CORREA. I would like to say, Mr. Walter, that in claiming the privilege of these amendments I do not take refuge behind them. I would like to state that I was taught in the Denver public schools to respect, uphold, and always to defend the United States Constitution and its Bill of Rights.

Mr. ARENS. Have you been a member of a conspiracy which is dedicated to the destruction of the Constitution of the United States, including the Bill of Rights?

(The witness conferred with her counsel.)

Mr. DANSKY. Would you read back that question, please?

Mr. ARENS. I will repeat it. Have you been a member of a conspiracy which is dedicated to the destruction of the Constitution of the United States, including the Bill of Rights?

(The witness conferred with her counsel.)

Miss CORREA. Mr. Arens, I decline to answer that question on all the previous grounds I have stated.

Mr. ARENS. I lay before you a document which I have marked "Correa Exhibit No. 2," which contains an advertisement appearing in the Communist Daily Worker of New York Monday, February 22, 1954. The advertisement is respecting a rally for Ben Davis. This rally is under the auspices of a delegation, including a number of people. Speakers at the rally are as follows:

William Patterson, Louise Jeffers, James Ford, and a person identified here as Martha Correa.

I ask you to take a glance at that advertisement and tell this committee whether or not you are the Martha Correa who spoke at the rally alluded to in this advertisement.

(The witness conferred with her counsel.)

Mr. DANSKY. Will counsel point out where the name appears?

(Mr. Arens indicating on document.)

Mr. DANSKY. Thank you.

(The witness conferred with her counsel.)

Miss CORREA. Mr. Arens, I decline to answer that question on all the grounds previously stated, under constitutional guaranties.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this exhibit marked "Correa Exhibit No. 2" be incorporated by reference in this record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Since you received your subpena to appear before this committee did you have a conversation with persons other than with counsel respecting a course of action to be taken with reference to the House Committee on Un-American Activities and with reference to these hearings?

Miss CORREA. I did discuss my subpena with many of my friends, many people.

Mr. ARENS. Did you discuss it in a little meeting of your friends, a little caucus, we might call it?

Miss CORREA. Would you be more specific as to what you have reference to?

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact, that after you received your subpena you and the other comrades of this area had a caucus in which it was decided that every effort would be made to discredit this committee, including causing the open letter to be circulated, representations being made to other persons to discredit this committee in these hearings. If that is not a fact as I have asserted it, deny it while you are under oath.

(The witness conferred with her counsel.)

Miss CORREA. May I see the open letter, Mr. Arens, that you are referring to?

Mr. ARENS. Yes. I am now laying before you David Bramhall exhibit No. 2.

Mr. DANSKY. This is a newspaper; is that correct?

Mr. ARENS. It is identified in the record, Counsel. You have practiced law long enough to know that.

Mr. DANSKY. It is not a letter.

(The witness conferred with her counsel.)

Miss CORREA. May we take a moment, please.

The CHAIRMAN. Surely.

(The witness conferred with her counsel.)

Miss CORREA. Would you specifically repeat that question?

Mr. ARENS. You have taken 5 minutes to confer with your counsel.

Miss CORREA. I do have the right to confer with counsel, don't I?

Mr. ARENS. Can the reporter find the question?

(The reporter read from his notes as requested, as follows:

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that after you received your subpena you and the other comrades of this area had a caucus in which it was decided that every effort would be made to discredit this committee, including causing the open letter to be circulated, representations being made to other persons to discredit this committee in these hearings. If that is not a fact as I have asserted it, deny it while you are under oath.

Miss CORREA. I would like to try to answer that question and I will give my grounds. It seems to me——

Mr. ARENS. If you are going to decline to answer, decline to answer. If you start to answer the question, you are going to be obliged by this committee to give a full, complete, and truthful answer.

(The witness conferred with her counsel.)

Miss CORREA. I decline to answer on the grounds of the privilege of the fifth amendment. I think that this is an attack against the civic community leaders, in my community. If you have come to Denver to attack them, I do not think that is correct. They are expressing—I see nothing about saying anything about discredit. I would feel that any discredit would only be brought upon the committee by itself and by no one else.

Mr. ARENS. To your knowledge did the Communist conspiracy in this community instigate the circulation of this open letter?

(The witness conferred with her counsel.)

Miss CORREA. I wish to decline to answer that question on the grounds of the first amendment, that the people have the right to protest, freedom of speech, and I feel that in that article they were expressing that freedom of speech as to their caution to this committee to be fair play and suggestions that they have made to this committee.

I also decline to answer the question on the grounds of the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you told this committee truthfully whether or not you have knowledge respecting the instigation by the Communist conspiracy of the open letter and other devices in this community in the course of the last 2 or 3 weeks to discredit this committee, you would be supplying information which could be used against you in a criminal proceeding?

Miss CORREA. It is a very long question.

(The witness conferred with her counsel.)

Miss CORREA. That is a very long question. I will give you a very short answer, though. I refuse to answer on all the grounds I have previously invoked.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that last question.

The CHAIRMAN. You are directed to answer the question.

Miss CORREA. I choose, Mr. Walter, to refuse to answer that question on the previous consitutional guaranties that I have stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that will conclude the interrogation by the staff of this witness.

The CHAIRMAN. The witness is excused from further attendance under the subpena, and the committee will take a recess of 5 minutes.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Call your next witness.

(Committee members present: Representatives Walter and Velde.)

Mr. ARENS. Mr. Kenneth Kripke, K-r-i-p-k-e, please.

The CHAIRMAN. Will you raise your right hand? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KRIPKE. I do.

TESTIMONY OF KENNETH N. KRIPKE, ACCOMPANIED BY COUNSEL, CLIFFORD W. MILLS

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. KRIPKE. My name is Kenneth N. Kripke, my address 2700 South Forest, here in Denver. My occupation is attorney at law.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. KRIPKE. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. KRIPKE. Yes, sir.

Mr. ARENS. Counsel will kindly identify himself.

Mr. MILLS. Clifford W. Mills, 302 Majestic Building, Denver, attorney at law.

Mr. ARENS. Mr. Kripke, give us, if you please, a word about your personal background prior to the time that you began the practice of law. Where did you go to school, where were you born and so forth.

Mr. KRIPKE. I was born in Ohio in 1920. I attended the Ohio State University 1937 through 1941. I worked for a short time and then when war was declared I volunteered for the United States Army. I served for more than 4 years in the Army. Twenty-six months of that time was overseas.

After I completed my service I attended the University of Colorado Law School. I graduated from the University of Colorado Law School in 1948. I was admitted to practice in the State of Colorado in 1949, early in 1949, and I have been practicing law in Denver ever since. I was in general practice until about 1953, and then I began to specialize in personal injury law.

Mr. ARENS. While you were at the University of Colorado would you tell us whether or not you were president of the Colorado Students for Wallace?

(The witness conferred with his counsel.)

Mr. KRIPKE. Mr. Arens, could you tell me if that group has been identified as a subversive or Communist-front organization before this committee?

Mr. ARENS. I don't believe it has.

Mr. KRIPKE. Yes, I think it was.

Mr. ARENS. I lay before you now, Mr. Kripke, a photostatic copy of a newspaper article appearing April 12, 1955, entitled "Lawyer Accused as C. U. Communist." I have marked it "Kripke Exhibit No. 1," and I should like to read part of it to you:

> A Denver attorney was named in Federal court late Monday afternoon as a Communist at the University of Colorado 7 years ago, but the lawyer denied the testimony. The lawyer, Kenneth N. Kripke, president of the Wallace for President Student Group at CU in 1948, denied that he was ever a member of the Communist Party or that he had ever attended a Communist meeting.

I would like you to glance at that article and see if that refreshes your recollection as to whether or not you are the Kenneth N. Kripke who made the statement attributed to you in that article.

Mr. KRIPKE. I must refuse to answer that question on the ground of the fifth amendment of the United States Constitution.

Mr. ARENS. Did you actually make a statement to the press in response to queries respecting the testimony in the court given back in April of 1955 by Harold Page Martin?

Mr. KRIPKE. I must refuse to answer that question on the same grounds.

The CHAIRMAN. When you say "I must," you mean "I do," of course?

Mr. KRIPKE. I feel that I must, Mr. Walter, because of the——

The CHAIRMAN. But do you?

Mr. KRIPKE. Because of this committee hearing.

The CHAIRMAN. Do you refuse to answer?

(The witness conferred with his counsel.)

Mr. KRIPKE. Mr. Chairman, I am not impugning on the committee that they are forcing me to do this, but I feel that because of the matters about which Mr. Arens is questioning that I personally must take the fifth amendment.

Mr. ARENS. Why?

Mr. KRIPKE. I refuse to answer that question. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you honestly apprehend that if you told this committee whether or not you are the same person who was alluded to in this newspaper article as denying Communist Party membership you would be supplying information which could be used against you in a criminal proceeding?

Mr. KRIPKE. Mr. Chairman, under the circumstances of this committee hearing I don't think it is necessary for me to explain the reasons why I invoke the fifth amendment.

Mr. ARENS. We are not asking for an explanation. We are only asking whether or not you honestly apprehend, actually fear, if you would give us a truthful answer to that principal question you would be supplying information which might be used against you in a criminal proceeding.

Mr. KRIPKE. Again I say, Mr. Chairman, I must invoke the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer the question.

The CHAIRMAN. You are directed to answer.

Mr KRIPKE. The same answer.

Mr. ARENS. You weren't under oath when you told the newspaper reporter, "No; I am not a Communist," were you?

Mr. KRIPKE. The same answer, sir.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this document which I have marked "Kripke Exhibit No. 1" be incorporated by reference in the record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Harold Page Martin testified under oath before this committee that he knew you as a member of the Communist Party. Was he lying or telling the truth?

Mr. KRIPKE. The same answer.

Mr. ARENS. Mr. Duran, would you remain standing there, please?

Did you ever see this gentleman to my right in the blue suit whom I have just called Mr. Duran?

Mr. KRIPKE. The same answer.

Mr. ARENS. Mr. Duran took an oath before this committee and testified that he knew you as a member of the Communist Party. Was Mr. Duran lying or was he telling the truth?

Mr. KRIPKE. The same answer, Mr. Arens.

Mr. ARENS. Do you intend after you are released from your subpena and released from the pains and penalties of possible perjury to go out in this community and say, "Of course, I am not a Communist. I have never been a Communist," and reaffirm what you said to the paper, "but I wasn't going to tell that witch-hunting House Un-American Activities Committee I am not a Communist"? Do you intend to do that?

Mr. KRIPKE. I haven't any present intention on that, Mr. Arens. Frankly, I haven't made up my mind as to that.

Mr. ARENS. Are you identified with the Committee for Peaceful Alternatives to the Atlantic Pact?

(The witness conferred with his counsel.)

Mr. KRIPKE. I decline to answer on the grounds of the fifth amendment.

Mr. ARENS. I lay before you now a photostatic copy of a document which I haved marked "Kripke Exhibit No. 2" and entitled "Committee for Peaceful Alternatives to the Atlantic Pact," containing a petition or statement by a number of folks, under date of December 14, 1949. Appended to this petition or statement are the names of a number of persons, including the name of Kenneth N. Kripke, executive secretary, Colorado Progressive Party, Denver. I lay that before you and ask you if you are the Kenneth N. Kripke alluded to in that document.

(The witness conferred with his counsel.)

Mr. KRIPKE. I decline to answer under the privileges afforded me by the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, this document marked "Kripke Exhibit No. 2" be incorporated by reference in the record and retained in the committee files.

The staff will have no more questions at this time of this witness.

May I respectfully suggest the record include the citations of the Committee for Peaceful Alternatives to the Atlantic Pact appearing in the Guide to Subversive Organizations.

The CHAIRMAN. It is so ordered. The witness is excused from further attendance under the subpena.

(The citations referred to above follow:)

COMMITTEE FOR PEACEFUL ALTERNATIVES TO THE ATLANTIC PACT

1. Cited as an organization which was formed as a result of the Conference for Peaceful Alternatives to the Atlantic Pact, and which was located, according to a letterhead of September 16, 1950, at 30 North Dearborn Street, Chicago 2, Ill.; and to further the cause of "Communists in the United States" doing "their part in the Moscow campaign."

(Congressional Committee on Un-American Activities, House Report No. 378, on the Communist "Peace" Offensive, April 25, 1951, original date, April 1, 1951, p. 54.)

Mr. ARENS. Mr. Alfonso Sena, please.

The CHAIRMAN. Will you raise your right hand and swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SENA. I do.

TESTIMONY OF ALFONSO SENA, ACCOMPANIED BY COUNSEL, JAMES W. WILSON

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. SENA. My name is Alfonso Sena. I work at the Gates Rubber Co.

Mr. ARENS. I didn't get that, please, sir.

Mr. SENA. I work at Gates Rubber Co.

Mr. ARENS. In what capacity?

Mr. SENA. I am a cutter operator.

Mr. ARENS. Where were you born?

Mr. SENA. Trinidad, Colo., in 1913.

Mr. ARENS. Are you represented by counsel today?

Mr. SENA. Yes.

Mr. ARENS. Will counsel kindly identify himself?

Mr. WILSON. James W. Wilson, attorney at law, 611 E. & C. Building, Denver, Colo.

Mr. ARENS. Give us if you please, sir, a brief sketch of your educational background.

Mr. SENA. I haven't any.

Mr. ARENS. I beg your pardon?

Mr. SENA. I have none.

Mr. ARENS. Tell us the various jobs you have held since you became an adult or self-sufficient.

Mr. SENA. During the period that I was young there was a depression going on and jobs were hard to get. I done odd jobs here and there until I was inducted into the Army. I served from October in 1942 until September in 1945.

Mr. ARENS. All right, sir. Go ahead.

Mr. SENA. Since I was discharged I was employed by the Gates Rubber Co. and I have been there for over 10 years.

Mr. ARENS. Are you now a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SENA. I refuse to answer that question on the ground of the fifth amendment to the Constitution of the United States.

Mr. ARENS. Mr. Sena—is it S-e-e-n-a or S-e-n-a?

Mr. SENA. S-e-n-a.

Mr. ARENS. Mr. Sena, Mr. Bellarmino Duran testified under oath before this committee a few days ago to the effect that while he was an undercover agent of the Federal Bureau of Investigation in the Communist Party he knew you as a member of the Communist Party. Was Mr. Duran lying, or was he telling the truth?

Mr. SENA. I refuse to answer on the same grounds.

Mr. ARENS. Mr. Sena, if this committee should cause to be instituted procedings whereby you would be immune from criminal prosecution based on any information you would give to the committee would you then testify before the committee and give us the information you may have in response to questions which we would propose to you.

(The witness conferred with his counsel.)

Mr. SENA. I refuse to answer the question; I invoke the privilege.

Mr. ARENS. Have you been contacted by members of the Communist Party since you were under subpena to appear here?

Mr. SENA. I refuse to answer that question on the same grounds.

Mr. ARENS. Do you presently fear the Communist Party, fear any people known by you to be Communists?

Mr. SENA. Would you state that again?

Mr. ARENS. Do you presently fear any people known by you to be Communists?

Mr. SENA. Do I fear?

Mr. ARENS. Yes.

(The witness conferred with his counsel.)

Mr. SENA. I will take the fifth on that.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Mr. ARENS. Mr. Fred Trujillo.

The CHAIRMAN. Will you stand? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TRUJILLO. I do.

TESTIMONY OF FRED TRUJILLO, ACCOMPANIED BY COUNSEL, OMAR E. GARWOOD

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. TRUJILLO. My name is Fred Trujillo, born and raised in Colorado. I live at 4305 Sheridan, Denver, Colo.

Mr. ARENS. And your occupation, please?

Mr. TRUJILLO. I am a laborer.

Mr. ARENS. Where do you work?

Mr. TRUJILLO. On construction.

Mr. ARENS. Where?

Mr. TRUJILLO. Here in Denver.

Mr. ARENS. What firm?

Mr. TRUJILLO. The Hutcheson Contractors.

Mr. ARENS. How long have you been so employed?

Mr. TRUJILLO. About a year and 3 months.

Mr. ARENS. Are you represented today by counsel in this proceeding?

Mr. TRUJILLO. I am.

Mr. ARENS. Counsel will kindly identify himself.

Mr. GARWOOD. My name is Omar E. Garwood; Omar like Omar Khayyam. I am a Denver attorney of some 50 years' standing here. My office is in the Denver Club Building, 600 Denver Club Building.

Mr. ARENS. You are appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities; is that correct?

Mr. TRUJILLO. I am.

Mr. ARENS. Are you a member of the Communist Party?

Mr. TRUJILLO. I decline to answer that on the basis of the fifth amendment.

Mr. ARENS. A couple of days ago Mr. Bellarmino Duran testified before this committee under oath in open session that while he was an undercover agent for the Federal Bureau of Investigation in the Communist conspiracy in this country he knew you as a member of the Communist Party? Was Mr. Duran lying, or was he telling the truth?

(The witness conferred with his counsel.)

Mr. TRUJILLO. I decline to answer on the fifth amendment.

Mr. ARENS. No further questions of this witness.

The CHAIRMAN. The witness is excused.

Call the next witness, please.

Mr. ARENS. Mr. Deikman, D-e-i-k-m-a-n.

The CHAIRMAN. Will you raise your right hand, please? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEIKMAN. I do.

Mr. SHERMAN. Mr. Chairman, may we ask a ban on photographs?

The CHAIRMAN. I don't know why you make that request when it is quite obvious that there are no photographers here.

Mr. SHERMAN. I did see a photographer here recently.

TESTIMONY OF EUGENE DEIKMAN, ACCOMPANIED BY COUNSEL, EDWARD H. SHERMAN

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. DEIKMAN. Eugene Deikman. I am an attorney. I reside in Englewood, Colo. I have offices in the Ernest & Crammer Building in Denver.

Mr. ARENS. Are you appearing today, Mr. Deikman, in response to a subpena served upon you by the House Committee on Un-American Activities?

Mr. DEIKMAN. That is correct.

Mr. ARENS. Are you represented by counsel?

Mr. DEIKMAN. Yes, sir.

Mr. ARENS. Will counsel identify himself.

Mr. SHERMAN. Edward H. Sherman, Mile High Center Building, Denver, Colo.

Mr. ARENS. Give us a word, please, about your place of birth and education.

Mr. DEIKMAN. I was born in Denver, Colo. I was educated in Pueblo, Colo., in the primary schools. I went to the University of Colorado in 1946 and graduated there with an LL. B. in 1952.

Mr. ARENS. Have you been practicing law here since that time?

Mr. DEIKMAN. Yes, sir.

Mr. ARENS. Are you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. DEIKMAN. In the first place, I want to make it very clear to you, Mr. Arens and Chairman Walter, that I do not fear to divulge anything before a proper committee having a legitimate purpose respecting my activities, associations, or anything that I have ever done. However, I feel that this committee is improperly investigating my private affairs. The resolution which empowers this committee to investigate into Un-American activities is Public Law 601. This law, as I interpret it, is so broad in its nature as to violate the first amendment of the Constitution. It does this because it says that the investigation is un-American propaganda. This term "propaganda"——

Mr. VELDE. I object to a continuation of this witness' testimony if it is to be a lecture. We have had these lectures from time to time ever since this committee was formed. We know all about the type of man that he is. We don't have to be informed about the——

Mr. DEIKMAN. You do know, Mr. Velde——

Mr. VELDE. Responsibility of this committee by you.

The CHAIRMAN. Just a minute.

Mr. DEIKMAN. Are you withdrawing the question?

The CHAIRMAN. This is not the proper forum in which to raise the questions that you are raising. If you decline to answer the question, say so. This is not the place to attack the validity of the statute directing this committee. That is the province of the courts.

Mr. DEIKMAN. As an eminent attorney, Mr. Walter, I think you are aware of the fact that a person must state at the time he refuses to answer a question his legitimate reasons for so refusing.

The CHAIRMAN. That is right. Go ahead.

Mr. DEIKMAN. That is what I am in the process of doing. I want to make myself clear on this.

Mr. VELDE. You can do it without giving us a lecture on our responsibility.

Mr. DEIKMAN. No; Mr. Velde, I know that you receive lectures on this and it is not my intention——

The CHAIRMAN. Answer the question.

Mr. DEIKMAN. Which question am I answering?

The CHAIRMAN. Whatever question you think you are answering. Proceed.

Mr. ARENS. The outstanding question is, are you a member of the Community Party?

Mr. DEIKMAN. All right. I will continue to answer that question. I feel that the word "propaganda" as used in your resolution is one that is so broad as not merely to limit itself to certain areas of investigation that Congress has a legitimate right to restrain itself to, such as the advocacy of the overthrow of the Government by force

and violence, but the word "propaganda" is a word which means in essence free speech and therefore I refuse on the basis of the resolution which empowers this committee to answer the question.

I further refuse because I believe that you don't have any real interest in my private affairs. There isn't anything of significance to this committee concerning my private affairs. There is nothing upon which you can legislate. Moreover, you haven't told me what you are interested in regard to my private affairs. I think that my private affairs are as immune from an unreasonable investigation as a person's goods are from an unreasonable search.

I further refuse to answer this question on the basis that this question carries an inference of infamy in it, and I agree with Professor Franklin that the amendment to the Constitution referring to infamy was designed specifically to exclude legislative groups from inquiring into people's private affairs and from infaming them.

Further, I refuse to answer under the 6th, 9th, and 10th amendments, and I have no intention of being a witness against myself.

Mr. ARENS. Are you invoking the fifth amendment?

Mr. DEIKMAN. You are a lawyer, Mr. Arens. I suppose you know which amendment I am referring to.

The CHAIRMAN. Yes; but you didn't refer to it.

Mr. DEIKMAN. Well——

Mr. ARENS. Do you honestly apprehend, sir, if you gave a truthful answer to this last principal question outstanding on this record you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. DEIKMAN. My answer to that is that what I honestly apprehend is that the privilege against being compelled to be a witness against oneself is a privilege which carries no inferences regarding it. As a lawyer, you know that. I tell you that I have asserted by constitutional privileges in good faith. I will not be entrapped by devious questions as to inferences relating to my use of the constitutional guarantee.

Mr. ARENS. Mr. Harold Page Martin, under oath before this committee, testified that he, while a member of the Communist Party, knew you as a member of the Communist Party. Was Mr. Martin lying or was he telling the truth?

Mr. DEIKMAN. That is asking the same question you previously rendered in a different way, and I urge all the bases for refusing that I have previously stated.

Mr. ARENS. Mr. Chairman, I have no further questions of this witness.

The CHAIRMAN. The witness is excused from further attendance under the subpena.

Mr. ARENS. Mr. Morris Judd, please come forward.

The CHAIRMAN. Will you raise your right hand, please? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JUDD. I do.

TESTIMONY OF MORRIS JUDD, ACCOMPANIED BY COUNSEL, EDWARD H. SHERMAN

Mr. SHERMAN. Mr. Arens, I appear on behalf of Mr. Judd.

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mr. JUDD. Morris Judd, Greeley, Colo., bookkeeper.

Mr. ARENS. Are you appearing today, Mr. Judd, in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. JUDD. I am.

Mr. ARENS. And are you represented by counsel?

Mr. JUDD. I am.

Mr. ARENS. Will counsel kindly identify himself.

Mr. SHERMAN. Edward H. Sherman, attorney at law in Denver, Colo., with address at the Mile High Center.

Mr. ARENS. Where and when were you born, Mr. Judd?

Mr. JUDD. I was born in Denver, Colo., October 6, 1916.

Mr. ARENS. Tell us, if you will, please, a word about your education.

Mr. JUDD. Denver public schools, through high school, University of Colorado with an A. B. degree in 1938, graduate study at Columbia University in philosophy in 1938 to 1941.

Mr. ARENS. Did you receive a degree from Columbia in 1941?

Mr. JUDD. No, sir.

Mr. ARENS. Did that complete your formal education?

Mr. JUDD. Yes, sir.

Mr. ARENS. Now give us if you please, sir, a sketch of your employment since you completed your formal education.

Mr. JUDD. The Department of Agriculture in 1941, June of 1941 to January 1943.

Mr. ARENS. In what unit of the Department of Agriculture?

Mr. JUDD. Agricultural Adjustment Administration.

Mr. ARENS. Where?

Mr. JUDD. Washington, D. C.

Mr. ARENS. Your next employment?

Mr. JUDD. In the service during the war, 1943–46.

Mr. ARENS. Your next employment?

Mr. JUDD. I owned a book store in Boulder, Colo., from 1946 to February of 1950.

Mr. ARENS. What is the name of the book store?

Mr. JUDD. Judd Book and Record Shop.

Mr. ARENS. Your next employment?

Mr. JUDD. In the fall of 1949 I taught at the University of Colorado.

Mr. ARENS. What did you teach?

Mr. JUDD. Philosophy.

Mr. ARENS. For how long did you teach?

Mr. JUDD. Until June of 1952.

Mr. ARENS. And your next employment?

Mr. JUDD. My present position in Greeley, Colo.

Mr. ARENS. Was your disassociation from Colorado University voluntary?

Mr. JUDD. What precisely do you have in mind?

Mr. ARENS. Were you fired or did you resign?

Mr. JUDD. May I consult with counsel?

The CHAIRMAN. Surely.

(The witness conferred with his counsel.)

Mr. JUDD. What do you mean by being fired, Mr. Arens?

Mr. ARENS. I think you know what I am talking about. Were you discharged involuntarily? You are a man of education. Were you fired or did you resign?

Mr. JUDD. As a matter of fact, I did neither.

Mr. ARENS. What did occur?

Mr. JUDD. My contract was not renewed.

Mr. ARENS. Was your disassociation then voluntary or involuntary?

Mr. JUDD. When a person's contract isn't renewed, it seems to me to be irrelevant to ask that question.

Mr. ARENS. All right, sir; we will pass that by then. Were you interrogated by the university president respecting possible Communist connections just prior to the time that your contract was not renewed?

(The witness conferred with his counsel.)

Mr. JUDD. As a student of philosophy I have come to accept the basic democratic principles embodied in the Constitution of the United States, and in particular those rights guaranteed citizens by the Bill of Rights, and I believe that such questions are an invasion of my privacy, my beliefs, and of everything that I hold decent. I therefore decline to answer that question and do so on the basis of the principles that I believe are embodied in the first amendment to the Constitution, the fourth amendment to the Constitution, the fifth amendment to the Constitution, the sixth amendment to the Constitution and tenth amendment.

Mr. ARENS. Does your basic philosophy of life preclude you from membership in a conspiracy designed to destroy the Constitution of the United States?

Mr. JUDD. Sir, this question has to do with beliefs and therefore I will not answer it.

Mr. ARENS. I lay before you a document marked for identification as "Judd Exhibit No. 1." It is a photostatic copy of an article from the Denver Post of March 25, 1952. I should like to read you part of it.

CIVIL LIBERTIES UNION LAUNCHES JUDD PROBE

The Colorado branch of the American Civil Liberties Union Saturday launched an investigation of the dismissal of Morris A. Judd, University of Colorado philosophy instructor, to determine whether Judd's academic freedom or freedom of speech have been violated. Judd, whose two-semester contract was not renewed because of what university officials said was his failure to make sufficient academic progress, told the Denver Post he had been quizzed by Dr. Robert Stearns, university president, regarding possible Communist connections and that he had denied such connections.

Take a glance at the article, if you will, please, sir, and tell us whether or not you are the person alluded to in that article as the one who denied Communist Party connections.

Mr. JUDD. Again I shall decline to answer that question on the grounds previously stated.

Mr. ARENS. Did your philosophic motivation break down when you were talking to the reporter for the ——

Mr. JUDD. Would you like to discuss philosophy sometime, Mr. Arens?

Mr. ARENS. Did your philosophic motivation break down when you were talking with the reporter for the Denver Post and were not under oath and denied Communist Party membership?

Mr. JUDD. Would you like to discuss my philosophy some time, Mr. Arens?

Mr. ARENS. Would you answer the question, please, sir?

Mr. JUDD. I refuse to answer on the same grounds.

Mr. ARENS. Harold Page Martin took an oath before this committee and testified that while he was a member of the Communist Party he knew you as a member of the Communist Party. Was he lying or was he telling the truth?

Mr. JUDD. I have no idea what Mr. Martin said to this committee.

Mr. ARENS. I just told you. He said he knew you as a member of the Communist Party. Was he lying or telling the truth?

Mr. JUDD. I decline to answer that question on the same grounds.

Mr. ARENS. Mr. Chairman, I have no further questions of this witness.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. ARENS. Mr. David Eakins.

The CHAIRMAN. Will you raise your right hand? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EAKINS. Yes.

TESTIMONY OF DAVID EAKINS, ACCOMPANIED BY COUNSEL, HARRY K. NIER, JR.

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. EAKINS. My name is David Eakins. I would like to make this very clear because a stoolpigeon called me "Eekins" and my name is properly pronounced Eakins. My friends know that.

My occupation is a sheep butcher. My residence is Denver, Colo.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. EAKINS. Yes, I am.

Mr. ARENS. Are you represented by counsel?

Mr. EAKINS. I am.

Mr. ARENS. Will counsel kindly identify himself?

Mr. NIER. Harry K. Nier, Majestic Building, Denver, Colo.

Mr. ARENS. Mr. Eakins, a stoolpigeon is one who testifies falsely or gives false information. Isn't that right?

Mr. EAKINS. A stoolpigeon is any man who is paid for testimony and spies on his neighbors and his friends and relatives.

Mr. ARENS. Are you asserting that any witness appearing before this committee in the last several days has been paid by this committee for giving false information?

Mr. EAKINS. This witness was paid for his testimony.

Mr. ARENS. Did he give false information to your knowledge?

Mr. EAKINS. Stoolpigeons always give false information. Traditionally they give false information.

Mr. ARENS. Then I take it you assert that the witness who identified you as a member of the Communist Party gave false information to this committee, is that correct?

Mr. EAKINS. I am not answering that question because it is none of your business.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness on that ground be directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. NIER. We are going to have a little consultation, if you don't mind.

(The witness conferred with his counsel.)

Mr. EAKINS. Would you repeat that question, Mr. Arens?

Mr. ARENS. Read the question to him, please, Mr. Reporter.

(The question was read by the reporter.)

Mr. EAKINS. I would like to decline to answer that question on the following grounds: I said first of all it is none of your business because the Constitution specifically states that there shall be no abridgement of the freedom of speech or press or the right of people peaceably to assemble. I believe that with all my heart. I always have.

Further, you are violating this: This is an unconstitutional committee in the first place. The basis for its existence is unconstitutional. The real purpose for its existence is doubly unconstitutional. To ask such a question is unconstitutional because it violates article 1 of the Bill of Rights. Further, it violates article 5 in which it says a person shall not be compelled to be a witness against himself nor shall he be deprived of due process of law.

You are asking me about this stoolpigeon, and yet you won't let my counsel cross-examine this man. I don't have the right to confront my witness, in other words.

Finally, article 8 says nor shall cruel and unusual punishment be inflicted upon citizens. This committee is inflicting cruel and unusual punishment by the very fact that it's issuing subpenas, and you know this full well. One witness up here testified she had lost a job already simply by receiving the subpena. This is one of the purposes for your asking where people live and where they work and what their activities are.

On these grounds I refuse to answer this question.

Mr. ARENS. Mr. Eakins, we are going to give you an opportunity to be confronted by Mr. Duran. Is Mr. Duran here?

Please remain standing, Mr. Duran. This gentleman here testified under oath that he knew you as a member of the Communist Party. Look at him and tell this committee whether or not this man was lying or whether he was telling the truth.

Mr. EAKINS. Mr. Arens, your theatrics do not take the place of due process of law. Let my lawyer cross-examine that stoolpigeon.

The CHAIRMAN. You have used that term enough. In your eyes and in the eyes of your sort he may be——

Mr. EAKINS. What do you mean by that?

The CHAIRMAN. This sort of person——

Mr. EAKINS. You have characterized me, and I would like to know——

The CHAIRMAN. But the greatest majority, the vast majority of the American people regard him as being a great American.

Mr. EAKINS. I do not regard him as such.

The CHAIRMAN. That is the point. It doesn't make any difference. Proceed.

Mr. ARENS. Are you a member of the Communist Party now?

Mr. EAKINS. I give you the same answer that I gave to the other question and on the same grounds, that it is none of your business and for the reasons that I have already stated. It is none of your business if I am or am not, if I am a vegetarian, Socialist, Republican, or Democrat, Mr. Arens.

Mr. ARENS. Are you a member of a conspiracy?

Mr. EAKINS. I have answered that question. It is the same question, and I give you the same answer on the same grounds.

Mr. ARENS. Do you regard the characterization of the Communist Party as a conspiracy an accurate characterization?

Mr. EAKINS. What I think about the Communist Party is none of your business, and I give the same answer and the same grounds for refusing to answer that question.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you are presently one of the leading Communist Party operatives in the Rocky Mountain area.

Mr. EAKINS. That is a cute question and it is the same question and you get the same answer. You are condemning me. You are accusing me and punishing me before the committee by asking questions like that and you know it. You know exactly what your answer is going to be and what your question deserves.

Mr. ARENS. Do you want to stand up under oath and deny it?

Mr. EAKINS. I have given you my answer and I don't care how you phrase the question or what tricky ways you put it, you are going to get exactly the same response from me.

Mr. ARENS. Mr. Chairman, I have no further questions of this witness.

The CHAIRMAN. The witness is excused.

Mr. JONES. I assume your witness doesn't want to be paid for his appearance.

Mr. NIER. Sure he does.

Mr. ARENS. Ann Eakins, please.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. ANN EAKINS. I do.

Mr. NIER. I am entering my appearance for Mrs. Eakins.

TESTIMONY OF ANN EAKINS (MRS. DAVID EAKINS); ACCOMPANIED BY COUNSEL, HARRY K. NIER, JR.

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. EAKINS. My name is Ann Eakins, I live in Denver, Colo. I am a meatpacker.

Mr. ARENS. Are you appearing today, Mrs. Eakins, in response to

a subpena which was served upon you by the House Committee on Un-American Activities?

Mrs. EAKINS. That is correct.

Mr. ARENS. Are you represented by counsel?

Mrs. EAKINS. I am.

Mr. ARENS. Will counsel kindly identify himself?

Mr. NIER. Harry Nier, Majestic Building, Denver, Colo.

Mr. ARENS. Are you the wife of David Eakins who just appeared before the committee?

Mrs. EAKINS. I am.

Mr. ARENS. Are you a member of the Communist Party?

Mrs. EAKINS. Mr. Arens, I would like to tell you now that I consider that an infringement upon my constitutional rights, my freedom of speech and association. I also consider that an infringement upon my rights under the fifth amendment of the Constitution, and I will not answer that question or any like it.

Mr. ARENS. Are you a member of a conspiracy designed to overthrow the Government of the United States by force and violence?

Mrs. EAKINS. I thought I made myself clear. That is the same kind of question and I will not answer it.

Mr. ARENS. I take it you regard the question with the same connotation?

Mrs. EAKINS. I decline to answer that because I don't believe I have to answer it under the constitutional rights I have under the first and fifth amendments.

Mr. ARENS. Mrs. Eakins, a person by the name of Bellarmino Duran, who served his country patriotically for several years as a member of the Communist conspiracy reporting to the Federal Bureau of Investigation, testified under oath before this committee a couple of days ago that while he was in the Communist Party at the behest of the Federal Bureau of Investigation, he knew you as a member of the Communist Party. Was he lying or was he telling the truth?

Mrs. EAKINS. Mr. Arens, that is also the same kind of question and I decline to answer that. The fifth amendment is for the protection of the innocent as well as the guilty and I give you the same answer.

Mr. ARENS. Are you innocent of membership in a conspiracy to destroy the Government of the United States?

Mrs. EAKINS. I am using my rights under the Constitution and that is what I will do.

Mr. ARENS. Mr. Chairman, I have no further questions of this witness.

The CHAIRMAN. The witness is excused.

Mr. ARENS. Jesus Bernardino Sauceda, S-a-u-c-e-d-a, please.

The CHAIRMAN. Will you raise your right hand, please? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SAUCEDA. I do.

TESTIMONY OF JESUS BERNARDINO SAUCEDA; ACCOMPANIED BY COUNSEL, NORMAN E. COBB

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. SAUCEDA. My name is Jesus Bernardino, B-e-r-n-a-r-d-i-n-o, Sauceda. I live at 537 25th Street, and I am a packinghouse worker.

Mr. ARENS. Are you represented by counsel today?

Mr. SAUCEDA. Yes.

Mr. ARENS. Will counsel kindly identify himself?

Mr. COBB. My name is Norman E. Cobb, an attorney at law. I have offices at 110 West 13th Avenue.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. SAUCEDA. I am.

Mr. ARENS. Where were you born?

Mr. SAUCEDA. I was born in Monterrey, Mexico.

Mr. ARENS. When?

Mr. SAUCEDA. May 20, 1924.

Mr. ARENS. When did you come to the United States?

Mr. SAUCEDA. It was either 1927 or 1928, on February 12, at the age of approximately 3 or 4. I don't remember exactly.

Mr. ARENS. Are you a naturalized citizen?

Mr. SAUCEDA. I am.

Mr. ARENS. When were you naturalized?

Mr. SAUCEDA. November 1 of 1943.

Mr. ARENS. Are you a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SAUCEDA. I am advised that I am not required to give testimony against myself and therefore I decline to answer the question.

Mr. ARENS. Mr. Sauceda, will you look to my right, at the gentleman who will be coming up here, and tell us whether or not you know him—Mr. Bellarmino Duran.

(The witness conferred with his counsel.)

Mr. SAUCEDA. I give exactly the same answer, Mr. Walter, on that question.

Mr. ARENS. This man was an agent of the Federal Bureau of Investigation and served his country for some years in the Communist conspiracy and reported to the Federal Bureau of Investigation. He testified under oath before this committee that he knew you as a member of the Communist Party. Was he lying or was he telling the truth?

(The witness conferred with his counsel.)

Mr. SAUCEDA. I served my country, too, my adopted country, in the service of the United States Army. I was a member of a combat unit in the infantry, as a rifleman, and I was wounded on December 25, 1944, at the Battle of the Bulge, so I have no regard comparing records of service, and I again wish to decline to answer the question on exactly the same grounds.

Mr. ARENS. Are you the husband of Judith Sauceda?

Mr. SAUCEDA. I am.

Mr. ARENS. I have no further questions of this witness, Mr. Chairman.

The CHAIRMAN. You are excused.

Mr. ARENS. Judith Sauceda, please.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SAUCEDA. I do.

TESTIMONY OF JUDITH SAUCEDA (MRS. JESUS BERNARDINO SAUCEDA)

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. SAUCEDA. My name is Judith Sauceda, and I live at 537 25th Street, and I am a factory worker.

Mr. ARENS. Have you ever been known by any name other than Judith Sauceda?

Mrs. SAUCEDA. I have been known as Judy since I was a little child, of course. That is my nickname.

Mr. ARENS. Are you currently chairman of the West Side Fairplay Committee?

(The witness confererd with her counsel.)

Mrs. SAUCEDA. I am advised that I do not have to give testimony against myself and on the grounds I decline to answer the question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. Yes; you are directed to answer the question.

Mrs. SAUCEDA. On the same grounds I decline to answer the question, Mr. Walter.

Mr. ARENS. Are you a member of the Communist Party?

Mrs. SAUCEDA. I decline to answer that question on the same grounds.

Mr. ARENS. Bellarmino Duran testified under oath before this committee a couple of days ago that he knew you as a member of the Communist Party. Was he lying or was he telling the truth?

Mrs. SAUCEDA. I am advised that I do not have to answer that question on the grounds that I do not have to be a witness against myself.

Mr. ARENS. Mr. Chairman, no further questions.

The CHAIRMAN. The witness is excused.

Mr. ARENS. Richard Demming, please.

The CHAIRMAN. Will you raise your right hand, please, and swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEMMING. I do.

TESTIMONY OF RICHARD DEMMING; ACCOMPANIED BY COUNSEL, MARILYN MEADOFF

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. DEMMING. My name is Richard Demming. I live in Denver, Colo. I am a packinghouse worker.

Mr. ARENS. Are you appearing today in response to a subpena which was served upon you by the House Committee on Un-American Activities?

Mr. DEMMING. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. DEMMING. Yes; I am.

Mr. ARENS. Will counsel identify herself?

Miss MEADOFF. Marilyn Meadoff, 438 Equitable Building, Denver, Colo.

Mr. ARENS. Mr. Demming, where and when were you born?

Mr. DEMMING. I was born in New London, Wis., on June 25, 1923.

Mr. ARENS. A word, please, sir, about your education.

Mr. DEMMING. I received my education in Wisconsin and New York.

Mr. ARENS. What schools did you attend?

Mr. DEMMING. I attended the Lincoln Public School in New London, Wis. I attended the Washington High School in New London, Wis. I attended the University of Wisconsin at Madison, Wis. I attended Cornell University at Ithaca, N. Y.

Mr. ARENS. What year did you complete your work at the University of Wisconsin?

Mr. DEMMING. In 1947.

Mr. ARENS. What year did you complete your formal education in its entirety?

Mr. DEMMING. 1948.

Mr. ARENS. Did you receive a degree?

Mr. DEMMING. I received a bachelor of arts from the University of Wisconsin.

Mr. ARENS. Did that complete your formal education?

Mr. DEMMING. I did a year of graduate work at Ithaca, but I did not receive any further degrees.

Mr. ARENS. What was your graduate work?

Mr. DEMMING. It was at the New York State School of Industrial and Labor Relations. It was in labor economics.

Mr. ARENS. What year did you complete that course?

Mr. DEMMING. I left Ithaca, N. Y., in 1948.

Mr. ARENS. Give us, please, a brief chronological sketch of your employment since you left Ithaca, in 1948.

Mr. DEMMING. I worked for the International Typographical Union.

Mr. ARENS. Where?

Mr. DEMMING. In Indianapolis, Ind.

Mr. ARENS. When?

Mr. DEMMING. From 1948 until 1949.

Mr. ARENS. In what capacity?

Mr. DEMMING. I was doing research work for them.

Mr. ARENS. Who was your immediate superior?

Mr. DEMMING. I don't recall.

Mr. ARENS. Your next employment, then, please?

Mr. DEMMING. My next employment was at Cudahy Packing Co., Denver, Colo.

Mr. ARENS. In what capacity?

Mr. DEMMING. Laborer.

Mr. ARENS. When did that employment begin?

Mr. DEMMING. In May of 1949, in June of 1949, May or June.

Mr. ARENS. Have you been continuously employed with that company since then?

Mr. DEMMING. Yes.

Mr. ARENS. I lay before you, Mr. Demming, a photostatic copy of an article appearing in the Rocky Mountain News, May 5, 1955, in which a statement is attributed to a person by the name of Richard Demming denying that he had ever been a member of the Communist Party, let alone having a position of leadership, in response, the article indicates, to testimony or statements of an undercover agent of the Federal Bureau of Investigation. Would you kindly take a glance at that article and tell us whether or not you are the person who made the statements attributed to Richard Demming in denial of Communist Party membership?

(The witness conferred with his counsel.)

Mr. DEMMING. I decline to answer that question on the basis of the first and fifth amendments.

Mr. ARENS. Mr. Bellarmino Duran testified under oath before this committee that he knew you as a member of the Communist Party when he was an undercover agent for the Federal Bureau of Investigation. Now while you are under oath would you tell us whether or not Mr. Duran was lying when he so identified you as a member of that party?

Mr. DEMMING. I decline to answer that question on the basis of the first and fifth amendments to the Constitution of the United States which I uphold.

Mr. ARENS. Have you ever been a member of an organization which is dedicated to the destruction of the Constitution of the United States?

Mr. DEMMING. I decline to answer that question on the basis of the first and fifth amendments to the Constitution of the United States, which I uphold.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this article be marked "Demming Exhibit No. 1," incorporated by reference in the record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Have you ever taken a loyalty oath?

Mr. DEMMING. I decline to answer that question on the basis of the first and fifth amendments to the Constitution of the United States, which I fervently uphold.

Mr. ARENS. I lay before you a photostatic copy of an article appearing in the local press regarding the refusal of certain tenants to sign loyalty oaths required of tenants in public housing projects. It states in effect that you or a person known as Richard L. Demming protested the signing of such a loyalty oath. Kindly glance at that article, if you please, sir, and tell us whether or not you are the person who protested the signing of the loyalty oath.

Mr. DEMMING. I decline to answer that question on the basis of the first and fifth amendments to the Constitution of the United States.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this article be marked "Demming Exhibit No. 2," incorporated by reference in this record and retained in the committee files.

The CHAIRMAN. It is so ordered.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. DEMMING. I decline to answer that question on the basis of the first and fifth amendments to the Constitution of the United States which I uphold.

Mr. ARENS. Mr. Chairman we have no further questions of this witness.

The CHAIRMAN. The witness is excused.

The Congress of the United States, of which this committee is an arm, extends its thanks to the United States marshal, Tom C. Kimball, and his deputies, to the United States attorney, Donald Kelley and his staff, to Mr. Pierce who assisted in maintaining order, and to the witnesses who have cooperated with this committee in giving the valuable information which we have received.

This concludes the hearings at this time, but in concluding the hearings now, I hope that the impression is not created that the committee is convinced that we have looked at all of the ramifications of the Communist conspiracy in this particular area. There will be a continuing investigation of this area as well as other areas of the United States and, if in the judgment of the committee it is necessary to hold public hearings again, either here or in Washington, that course will be pursued.

Mr. VELDE. Mr. Chairman, I want to concur in everything that you have said. As a member of the Republican Party, I want to say that I am very happy to be in the home city of our famous and very gracious First Lady of the Land, Mamie Eisenhower, and also the home city of our fine colleague, Byron Rogers.

I feel that our counsel, Mr. Arens, has done an excellent job and in questioning the various witnesses, has shown the great ability that a good lawyer should have.

Also I want to compliment the investigators who have been here, Mr. Owens and Mr. Jones. I know they have made a very fine background investigation and developed the evidence in an estimable fashion.

I do hope that I will be able to come back to this fair city of Denver some time in the future.

The committee is adjourned.

(Whereupon, at 12:08 p. m., Friday, May 18, 1956, the committee was recessed subject to call.)

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